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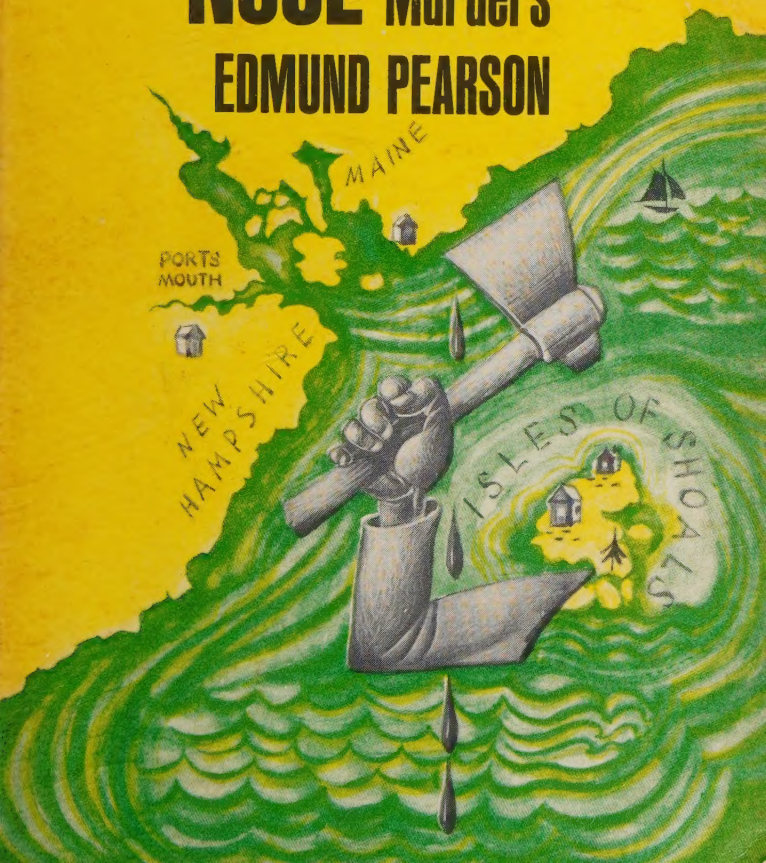
MURDER at SMUTTY NOSE and other Murders

EDMUND PEARSON



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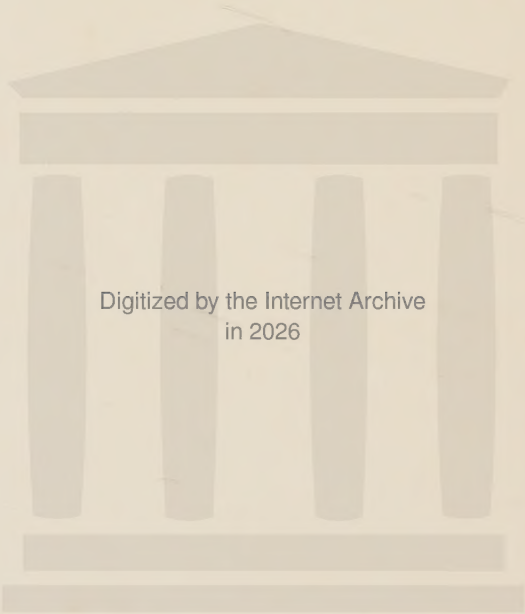

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EDMUND PEARSON

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TO MY BROTHER

PHILIP H. R. PEARSON

this book is affectionately dedicated

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MURDER AT SMUTTY NOSE
AND OTHER MURDERS

I

Murder at Smutty Nose; or, *The Crime of Louis Wagner*

On a sea beach, near the mouth of the Merrimack River, more than thirty years ago, we used to watch for two signs of the coming of night. As the summer afternoon faded, and the sun approached the hills behind us, its rays would begin to send back heliograph messages from windows on Cape Ann. We wondered if the folk in those houses knew how suddenly gorgeous and important their little squares of window glass had become, so to flash across ten miles of ocean.

Not long afterward, when the sun had set, and the windows at 'Squam darkened and disappeared, there was another spectacle to be observed to the northeast. There had hovered all day, on the horizon, two or three dim islands, like small clouds, vanishing in the slightest haze. Now, from that quarter, a yellow light suddenly sprang up in the twilight, shone steadily for a moment or two, and disappeared. In a few seconds it would return, and again go out. Because he had been the first to discover it, some triumphant boy among us would exclaim:

"There's the Shoals Light."

The Isles of Shoals were too far away to be seen distinctly, except on rare days. They were obscured, for

more than half the time, behind some curtain of mist, and they kept, therefore, the charm of the elusive and mysterious. There was an oarsman in my town—a man who despised small deeds—who offered to challenge anybody to row "out to the Shoals" or even from Boston to Portland Light. He looked with scorn upon the college boys, racing in shells upon the Charles; his fancy was for a spin out to sea in a dory, for a matter of twenty-five miles or more. Whether he ever found a competitor, I do not know. But we used to hear of another man, who rowed out to the Isles of Shoals, on a winter's night, from the neighbouring town of Portsmouth. This was Louis Wagner, who had no friendly competition, but black murder in his heart. His oars were struck into those miles of dark water to carry him on as savage a journey as ever man went.

His story has been told so well, by a writer with such intimate knowledge of the event, that the effect of her narrative will never be approached again. For more than half a century, nobody has attempted to tell it: and now, few persons living, outside the scene of the crime and its neighbourhood, have ever heard of the murders on the island of Smutty Nose. The memory haunts Portsmouth and the Isles of Shoals like an old legend; yet within a year I have talked with men and women who remembered the tragedy, and knew the actors in it.

A murder, so says the best of living writers upon the subject, has seldom a setting worthy of the horror of the deed. Commonplace apartments in lodging houses, stuffy bedrooms in dingy hotels—these are more often than not the scenes of actions which naturally call for grim rather than for sordid surroundings, for space rather than the huddled restrictions of walls and household furniture. In his own investigations he has

come upon at least one adequate scene: the shores of a Scottish loch, further enhanced by its Gaelic name of Tor-na-Eigin, where a lonely traveller was hastily slain and hidden.

Sometimes, it is true, the incongruity of the place adds an extraordinary element; the decorous atmosphere of the Borden house was in violent contrast to the barbaric hatred unleashed within it.

For any unusual event, whether a gentle romance or an act of violence, an island at sea has a fascination which has been recognized by everybody from Homer to Defoe, and down to the novelists of to-day. It is a bit of land whose folk, whose legends and history are its own; definite limits are set to it, as never by political boundaries.

You may see the Isles of Shoals, if you visit them to-day, as a summer resort, rather gone to seed; the dwelling place, for part of the year, of a few cottagers. In the summer, a small swarm of visitors descends on the place, in the manner of trippers the world over. Enthusiastic ladies with cameras clamber from the steamboat; a few of them not so enthusiastic, but a little green about the gills after the shaking they have received on the way across, and painfully aware that they must either spend the rest of their lives on the islands, or prepare to face that choppy sea again, later in the day. Or, if you can shut your eyes to the trippers, to the hotel, and to the cottagers, you may see in these bleak and rocky islands bits of the earth's surface as interesting, for their history and legend, as any in the states of Massachusetts, New Hampshire, and Maine—shores of all of which are visible as you look westward.

The Isles of Shoals are about ten miles out at sea, from Portsmouth, New Hampshire; seven and a half from Whale's Back Light at the entrance to Portsmouth Harbour. Their name may come from the shoal waters

on the rocky ledges about them, or possibly from the "shoals" or schools of fish which used to give a livelihood to the inhabitants. They are counted as eight in number, although some of them are so connected by breakwaters as to make the division hard to recognize. The largest, two hundred years ago, was called Hog Island, but later it adopted the lovely name of a Devonshire or a Kentish village, and has long been known as Appledore. Next in size, and separated only by a narrow channel, is Smutty Nose, once called Haley's Island. By its present more distinctive name it was certainly known as long ago as 1684, when a Court "for the Western Islands" sat there. Smutty Nose is connected by breakwaters with Malaga—a small rock, hardly distinguishable as a separate island—and also with Cedar and Star islands. On Star Island are now the hotel, the church, the steamboat landing, and certain monuments and memorials interesting to visitors. Near by between these and the mainland is Londoner's (or Lunging) Island, a mere ledge; while to the northeast, Duck Island, another rocky and dangerous ledge, is still covered by the only faithful inhabitants it has ever had: hundreds of fluttering gulls and other sea birds. Two miles or more to the southwest of Duck, and at the other end of the group, is White Island, whose graceful lighthouse is, except for the old church on Star, the only evidence that any man who has erected a building on the islands gave much thought to the difference between ugliness and beauty.

Each island has its individuality; its geological formation is its own, while its position and the action of the ocean currents about each have caused variations in a number of interesting details—the presence or absence of any beach, and the varying deposits of the waves. The entire acreage of the group is not large; two or three of the islands are, as I have said, only barren

rocks, while Appledore, the largest, is about half a mile long, and, at one point, nearly as wide; Smutty Nose, the next in size, is about the same length, but far narrower than Appledore. This tiny region has been adequately and affectionately described in Celia Thaxter's "Among the Isles of Shoals"—perhaps, after Thoreau's "Walden," the best description of any small bit of American territory. Mrs. Thaxter was almost a life-long resident; she spent years at a time on at least three of the group, and her childhood upon the loneliest and least accessible of all the inhabited ones—on White Island, where her father was keeper of the light. Her minute observations of nature suggest the usual comparison with Gilbert White's "Selborne"; while the passionate intensity of her love for the earth that was her home might be said to recall Richard Jefferies' "Story of My Heart," except for the fact that it preceded that more famous book by ten years.

Of the sounds of the sea among the islands she says:

> Each island, every isolated rock, has its own peculiar rote, and ears made delicate by listening, in great and frequent peril, can distinguish the bearings of each in a dense fog. The threatening speech of Duck Island's ledges, the swing of the wave over Halfway Rock, the touch of the ripples on the beach at Londoner's, the long and lazy breaker that is for ever rolling below the lighthouse at White Island—all are familiar and distinct, and indicate to the islander his whereabouts almost as clearly as if the sun shone brightly and no shrouding mist were striving to mock and to mislead him.

Folk for whom the islands had an appeal, which brought them back summer after summer, found in them that strange beauty which dwells in desolate places, as in the Western desert, or in the sand dunes of Cape Cod and Montauk. Life, for the islanders, was frightfully hard during the long winters: and even in

the summer the Shoals were often cool and wind-swept. Children were born there, and growing up to fifteen or sixteen years without leaving the islands, had, on their first visit to the mainland, their first glimpse of a tree, or of a horse. And I believe that no automobile has come to the Isles of Shoals. Standing alone on any of the islands, one has that odd feeling of conspicuousness; one seems to rise out of the sea and to be visible for miles, from the long bathing beaches on the coast, far inland to the dim peaks of the White Mountains, which sometimes appear at sunset, on unusually clear days.

Whether Captain John Smith discovered the islands or not, they appear on the early maps exaggerated in size and bearing his name. For two and a half centuries thereafter their history—partly record and partly legend —was one of astonishing changes in fortune and population. Almost deserted by permanent residents as they are to-day, the graves of the dead are everywhere, and so are the cellars and foundation stones of houses built by forgotten men of the past. The one little village which owned a name—Gosport, on Star Island—passed out of existence within recollection, and the days may have been when two or three of the islands each had some hundreds of inhabitants. Spain seems to have been associated with the Shoals in more ways than one; in 1730 and afterward, ships from Bilbao frequented the islands to take on loads of fish. The old church on Star Island was built from timbers of Spanish wrecks; it has, however, twice been burned, and rebuilt from more prosaic material.

The days of the "Shoalers" are long past, although one or two generations of the native-born have arisen there since the old inhabitants were scattered to the coast towns during the Revolution. At that time some of the Shoalers settled in Salem, and Captain White,

whose murder is related farther along in this book, was a native of Appledore.

These rocky islands were a deadly trap for ships caught in a northeast storm—especially before the lighthouse was built. For a hundred years or more the history of the Shoals was marked by a series of fatal wrecks. There was an entry in the Gosport records:

> Ship *Sagunto* stranded on Smotinose Isle Jany 14th, 1813* Jany 15th, one man found, Jany 16th 6 men found . . . —etc.

In 1839, Mrs. Thaxter, then a child of four, looked from the light-keeper's house on White Island, during a storm, and saw through a sudden break in the mist and spray the heavily rolling hull of the brig *Pocahontas* driving by to her destruction near the mainland, on Plum Island—a wreck which has never been forgotten in that region. Few winters pass without storms which shriek like fiends over the islands; and many of these storms, fifty years and more ago, drove some ship upon the ledges, threw her crew, dead or bruised and half frozen, upon the rocks, left her cargo in some amazing heap on this island or that, and wedged her timbers in a cove until the waves reduced them to splinters.

There was treasure trove upon the Shoals—well authenticated, pleasant little caches of foreign gold and silver. A wreck on Appledore left many "broad, silver pieces" scattered on the rocks. A three-legged black pot of gold and silver coins was dug up on Star Island, and Mr. Samuel Haley, who owned Smutty Nose, turned over a flat stone one day and found four bars of solid silver. He built the breakwater connecting his

* Probably an error in the record. It may have been two or three years earlier.

island with Malaga from the proceeds of that agreeable discovery.

Where there is treasure, there are, of course, ghosts. Few places are better adapted for them. Philip Babb, clad in a butcher's frock, with a leather belt and a knife, still walks at Appledore. Philip Babb was Constable for all the islands of the Shoals in 1653; why his perturbèd spirit has not found rest, and why it wears a butcher's frock, are unexplained mysteries. In the loft of the parsonage on Star Island—in windy weather—there used to be heard a vigorous and ghostly dialogue apparently between two gruff old pirates, or other mariners, hoarse from over-much rum, bad weather, and life-long bawling at their men. Inconsiderate of them to select the parsonage, but it's a way with ghosts. And there was, on Appledore, the figure of a lonely maiden, looking out to sea. She beset the path and troubled the peace of mind of a sojourner in the islands exactly one hundred years ago—in the autumn of 1826.

It would be superfluous to say that Captain Kidd visited the Shoals; the Captain missed no island on the Atlantic coast. But a better pirate than Kidd was here: Captain Teach, alias Blackbeard, sailed in with a colleague named Captain Scott, and a fair lady. They buried vast treasure (Mr. Haley's four silver bars perhaps) and sailed away, leaving the lady on guard. She it was who haunted the visitor in 1826.

The mention of the parsonage, where the ghosts of the two old pirates converse, recalls the long succession of clergymen who preached to the Shoalers. One of them, the Rev. Mr. Tucke (Harvard, 1723), closed his ministry of more than forty years, and gave up his body to the grave—on Star Island—two years before the Revolution. Not long after that war, the islands entered upon their worst days: the Word of God was driven forth while Baal and Ashtaroth were ex-

alted—or, at least, New England rum took their place very acceptably. The Shoalers declined into a scandalous condition: drunken, quarrelsome, and degenerate, in the frequent manner of isolated communities.

Smutty Nose is nearly at the centre of the group. It is low-lying, as compared with the rounded back of Appledore, its neighbour on one side, or the rocky height of Star on the other. It is a white and green island, white from the quartz in its rock, and green from the short vegetation. To the southeast stretches into the sea the black rocky point from which the island was named. It has, to-day, neither natural features nor enough buildings to make it conspicuous. People cross to it, if at all, for only one purpose: to visit the scene of the murders. There are two houses upon it, both near the dock. One of them seems to have been rebuilt; the other is left as at the time of the murders. Near it are two large lilac bushes; these and a well—which has a ghastly part in the story—and the cellars and foundation stones of the other houses. Mr. Haley lived here, and near by he buried fourteen dead Spanish sailors from the wreck of the *Sagunto*. Some of these men saw the light in his house, after they had been cast up on the rocks, and crawled painfully through the blinding snow, only to perish a few rods away. Two of them actually gained the stone wall in front of the house before they gave up. Their bodies were found under the snow in the morning. In the following summer the skeleton of another was discovered in some bushes nearer the rocky point upon which their ship had crashed. The Haleys themselves are buried near by, the head-stones worn, and the inscriptions almost indecipherable. I photographed Mr. Haley's stone, but could not read it, and so have copied the epitaph from one of the books:

IN MEMORY OF MR. SAMUEL HALEY
WHO DIED IN THE YEAR 1811
AGED 84
HE WAS A MAN OF GREAT INGENUITY
INDUSTRY HONOR AND HONESTY, TRUE TO HIS
COUNTRY & A MAN WHO DID A GREAT
PUBLIK GOOD IN BUILDING A
DOCK & RECEIVING INTO HIS
ENCLOSURE MANY A POOR
DISTRESSED SEAMAN & FISHERMAN
IN DISTRESS OF WEATHER.

The boulders marking the Spanish graves have disappeared in the long grass, as Mrs. Thaxter predicted that they would; my search failed to find them.

To the southeast the island stretches away to the sea for half a mile, apparently a level plain covered with bushes and coarse grass, with a cairn of rocks at the farthest edge. Try to walk across it, and you stumble over the foundations of old, forgotten houses, ruined stone walls, half-worked quarries, or natural crevices in the rock. These are concealed by a stunted jungle of fern, thorn bush, wild rose, and the beautiful, glossy leaves of the poison ivy.* The flowers are of hardy varieties such as goldenrod and thistle; the winds that sweep across on a summer day are sweet with the familiar odours of the New England pasture or meadow near the sea: chiefly the smell of bayberry and life-everlasting.

Living on the Isles of Shoals, on March 5, 1873, there were perhaps as few as forty, perhaps as many as sixty persons. They were scattered over four of the

* There are toads on the islands, and perhaps a few snakes. The legend is that "Mis' Thaxter fetched the snakes over"—a belief probably founded on her amusing description of importing toads from the mainland, to hunt the insects in her garden.

islands: the lightkeeper's family on White; workmen building the hotel on Star, and also one or two permanent households; two families on Appledore; and six persons at Smutty Nose. On Appledore, those "at the large house" I take to be Mrs. Thaxter's own family, with her mother, and one or two of her brothers, the Messrs. Laighton.* The other family on Appledore, dwelling in a cottage within sight of Smutty Nose, across the narrow channel, was that of a Norwegian fisherman, Jörge Ingerbredsen.

In the only occupied house on Smutty Nose there lived John Hontvet and his wife, Maren. Five years before, they had come from Larvik, a small seaport of Norway. Hontvet, like most of the dwellers in the islands, was a fisherman; the owner of a small schooner, called the *Clara Bella*. Maren is described as a little woman, gentle and courteous, with an intelligent face and sparkling gray eyes. The Hontvets were joined, in the spring of 1871, by Maren's sister, Karen Christensen, a woman of thirty-eight. She was melancholy, from the loss of a lover, and lonesome in a country where at first she did not understand the language. For two years she was a domestic servant on Appledore, and had only returned to live with her sister within the fortnight. Her appreciative biographer, in whose household she had been employed, shows her sitting by the fire "at a spinning-wheel brought from her own country." Wearing a blue gown and fresh white apron, a white muslin bow on her linen collar, and drooping her head sideways as she sang to the accompaniment of the wheel, she presented a gentle, homelike picture to the eyes of the poetically minded young American woman, who so loved to watch her.

* Mr. Oscar Laighton, a much respected resident, is one of the few survivors of those living at the Shoals in that winter.

Still a year later, these Norwegian folk were doubled in number by three more arrivals from their own land. John Hontvet's brother, Matthew, joined him, and so did Maren's brother, Ivan Christensen, and his bride, Anethe. The young wife was

> fair and merry, with thick bright sunny hair, which was so long it reached, when unbraided, nearly to her knees; blue-eyed, with brilliant teeth and clear, fresh complexion, beautiful and beloved beyond expression by her young husband.

The three men engaged in fishing on the *Clara Bella,* setting trawls in the waters about the Shoals and selling their fish in Portsmouth. It was rare for all of the men to be away at night; the Shoals were orderly and quiet at that period, but lonesome, and it was never the custom to leave the women by themselves except by day. And when the men were away, the women were quite alone on the island, except for Maren's small dog, named Ringe.

In the preceding year, there had lived, sometimes on Star Island, but chiefly with the Hontvets on Smutty Nose, a man of twenty-eight, named Louis Wagner. He was a native of Ückermünde, in northern Prussia. He was tall, powerful, and dark, with a peculiarly quiet manner, says one description. He was a rosy-faced Prussian, says another writer who saw him late in his career and under remarkable circumstances. "His face was round and good-natured, his eyes mild," says this observer. He was a fine, tall, blond fellow, so I have been told by one who seemed to remember him with something of the enthusiasm with which she viewed him when she was a schoolgirl of fourteen.

"And all the girls were after him," she added.

Wagner had been in America for about seven years; he had lived in Boston, in Portsmouth, on the Shoals, and aboard various ships. He spoke English with the

usual difficulties: God was still "Gott," and good was "goot"; his shirt was "mein shirt." He knew something of the life along the water-front in these seaports; of sailors' and fishermen's boarding houses; of the wharves, docks, and saloons. His private ventures as a fisher from Star Island had not been successful, and at that period he was often indebted to the Hontvet family for his food. Later, when he joined Hontvet in fishing, he lived with the Hontvets on Smutty Nose for seven months, as one of the family. He was even there for five weeks after the arrival of Ivan and Anethe, and was treated "as a brother." He knew many of the details of Hontvet's business; his profits and his methods. He knew the house, inside and out, and the customs of its inmates. He had lived there, "crippled with the rheumatism," when, as he testified, "the women were most kind" to him. And now, for some months, he had been out of employment; the *Addison Gilbert,* fishing schooner in which he shipped, was wrecked, and he was in straits.

He was indiscreet in his speech. To one of his shipmates on the *Gilbert,* young Ingerbredsen of Appledore, he spoke of being hard up, and called attention to his torn shoes. Said he:

"This won't do any longer. I am bound to have money in three months if I have to do murder for it."

This happened in December. About the same time, he spoke to another shipmate, James Lee, while the schooner was at Rollins' wharf in Portsmouth. To Lee he said that he wished to get a suit of clothes and go to Boston. He added:

"If I could get a boat and go to the Shoals I could get money enough."

To still another shipmate, Lars Nelson, some time in February, he pleaded his poverty and asked for tobacco for his pipe. Nelson gave him thirty-five cents

for tobacco—not at all a stingy gift from a poor fisherman. To John Hontvet and to a man named Charles Johnson, who had fished and baited trawls with Wagner, did the latter make the same remark: that he had no money and no good clothes, and that he must have money if he had to commit murder for it. Nobody took these remarks seriously; aside from a word or two as to the folly of such a course, no reply was made. For eight weeks preceding the fifth of March, Wagner had been living at a sailors' boarding house, kept by a family named Johnson, at 25 Water Street, Portsmouth. I am told that the site of that house is now a vacant lot, and that the present Number 25 is not the same building, nor even on the same side of the street. I cannot speak with certainty of this. Water Street is on the river-front; it is occasionally picturesque, and pleasantly reminiscent of the days when Portsmouth's most delightful citizen, Tom Bailey, of "The Story of a Bad Boy," used to set out on his boating excursions from the near-by wharves. The trip which ended so sadly in the loss of Binny Wallace probably began in this very neighbourhood. One of the inhabitants of Water Street, who had every appearance of having sat in the same doorway which she was then occupying since the days of Binny Wallace—which I believe were the 1840's—was asked by me a few questions about the street and its changing fortunes. Had she lived there long? Yes, she had; a tol'able long time; ever since the spring Harding was inaugurated. As the week when Louis Wagner became conspicuous was the week when Grant was inaugurated for the second time, my oldest inhabitant failed to qualify as a source of information.

Whatever Water Street remembers or forgets to-day, it is on record that in the first week of March, 1873,

Wagner was in debt to his landlady for at least three weeks' board: a sum of fifteen dollars.

At daylight, six o'clock on the morning of March 5th, the three fishermen, John and Matthew Hontvet and Ivan Christensen, sailed out to draw their trawls four or five miles southeast of Smutty Nose. They had planned to take their catch into Portsmouth; to get bait, which was coming by train from Boston; and to return home by night. When the trawls were drawn, however, they had a head wind back to the Shoals, and so decided to run into Portsmouth, without returning to leave one man at Smutty Nose. By one of the young Ingerbredsens, whom they saw on the fishing grounds, they sent word to Maren that they would be delayed, but they hoped to return late that night. At four o'clock in the afternoon they were at the wharf in Portsmouth, where they saw Wagner. He asked if they were going back to the Shoals that night. By this time they had learned that the bait would not be in until eleven o'clock, and told him that they were not going back; that they were to stay there and bait trawls. John asked him to help with the work, and he agreed. He asked again, and still a third time, if they were going back to the islands. As a matter of fact, the bait did not arrive till after midnight; John and his helpers spent most of the remaining hours of the night at work on their trawls, and looked more than once for Wagner, but could not find him.

Nobody could find him; no one in Portsmouth was ever found who saw him that night after half-past seven, nor until after daybreak the next morning. About seven o'clock, or later, he went to a bar where he had a drink—one glass of ale, according to his own account. He was a sober man, with a poor head for drinking—this is not one of the tales in which Alcohol may be cast for the rôle of chief villain. At the foot of

Pickering Street, at half-past seven, a fisherman named James Burke left his dory—a boat which Wagner knew and in which he had been. The dory had new thole pins. At half-past eight, when Burke came back for his boat, it was gone.

Wagner had taken it to row out to the Shoals. To the landsman, especially of to-day, a row of ten miles, alone, and at sea, on a winter's night, seems an almost impossible feat. Hardly any one along the coast rows to-day, as hardly any one on land walks for more than a mile or two. The fishermen and longshoremen, in these very waters, go chugging along, nowadays, by means of a small motor—even the humblest and shabbiest boats have them. I do not find, however, that it was at all hard to convince any one near Portsmouth who followed the sea that such a row was quite possible. A stiff job, with what was to follow, but not an incredible one. John Hontvet had rowed, alone, in a whale boat, "fifty or sixty times" from Portsmouth to Smutty Nose. With the tide he would do it in three hours; another half hour would be added by an unfavourable tide. In a dory, once, he had rowed from his island to the mouth of the river in an hour and forty minutes; and then, with the tide setting against him, had taken an hour and a quarter to get up the river to the town: a total of less than three hours. A longshoreman testified that he had rowed from Fort Point Light House to the Shoals, with a favouring tide and wind, in an hour. Fort Point is three miles below the city, but that distance could easily be covered in less than an hour with the tide.

Louis Wagner had every condition favouring him; the men away, and kept away by a series of chances. The first clear, calm night of the early spring. Cold, wintry weather, it is true, but not a high wind. A starlit night, with a moon in its first quarter. The tide favour-

able: it was high water at 6 P.M. and a fast-running current carried the stolen dory down the three miles of the Piscataqua River to the sea—miles which might have been difficult, and often were to honest men. It was not confusing to a man who had lived in these waters for years; much of whose work was done during the dark hours after sunset and before dawn. He dropped rapidly down the river, past the city, past Seavey's Island, where the Naval Prison is now, and where the Spanish sailors from Cervera's fleet were confined for a while in 1898. Past Fort Point Light, and finally meeting the ocean, past Whale's Back Light—on a ledge off the harbour's mouth. I think that there was probably a slow, gentle swell running, stronger here, very likely, than farther out at sea, but at no time any inconvenience to a practised oarsman, in a boat adapted for exactly this kind of work.

His historian pictures the scene:

> The snow lay thick and white upon the land in the moonlight; lamps twinkled here and there from dwellings on either side; in Eliot and Newcastle, in Portsmouth and Kittery, roofs, chimneys, and gables showed faintly in the vague light; the leafless trees clustered dark in hollows or lifted their tracery of bare boughs in higher spaces against the wintry sky.

And straight ahead of him now, the light on White Island, marking a course which even a landlubber could not miss on this clear night.

Mrs. Thaxter describes the landmarks which she had so often observed, and which now guided Wagner:

> On his right hand Boone Island light shows like a setting star on the horizon, low on his left the two beacons twinkle off Newburyport, at the mouth of the Merrimack River; all the lighthouses stand watching along the coast, wheeling

their long, slender shafts of radiance as if pointing at this black atom creeping over the face of the planet with such colossal evil in his heart. Before him glitters the Shoals' Light at White Island, and helps guide him to his prey.

At what hour did he arrive at the islands? It was earlier than many have thought; it could have been half-past ten. He was probably at Whale's Back by half-past eight, at the latest; to spend two and a half hours between that point and Smutty Nose would mean either that he was a poor oarsman (which is unlikely) or that he took it easy, and often rested on his oars. We know that at some time during the night he did not spare himself: it is possible that he raced on the way back, as he had need to do. We know, also, the exact minute when he was at his work on the island, and by nearly any calculation there are almost two hours unaccounted for. I think it fair to suppose that he was off Appledore, the first island he would pass, between ten and eleven; and that he landed on Smutty Nose well before midnight.

Up to a certain point this was a cool and well-planned business; he was risking no danger to himself, and no possibility of interruption. It is reasonable to imagine him pausing to see if there were any signs of people moving about before he rounded Appledore. Certainly he looked into the cove at Smutty Nose to learn if, by any possible chance, the *Clara Bella* had returned and was at her moorings. Or if any other boat were there. Everything was quiet, probably every light was out in the houses on all the islands. He did not land at the dock, but rowed around to the south side of the island—a course impossible to-day on account of the sea wall between Smutty Nose and Cedar Island. It was in ruins fifty years ago, and evidently covered with enough water for his light boat. He drew up

the dory on the rocks, at a point distant from the group of houses.

Then, in all probability, followed an hour of silent reconnoitering: spying and listening. On the snow-covered rocks it was not hard to move silently; moreover, he had on rubber boots. A black snake does not attack a nest of young birds, a weasel does not pounce upon the defenceless animals whose blood it intends to drink, without due caution, without waiting, long and in perfect quiet. He had only one house to consider; he knew that all the others were empty. There was no light in it. As for the helpless women asleep within, no philosophy and no faith yet invented have been able to explain why such as they should have been deserted by earth and heaven at this moment.

There were no signs of any of the other fishermen from Appledore, at their boats, or about their houses. It was a still night: the sound of the breakers on the other side of the island; the rippling of water in the landing cove, that was all. The moon was declining to the west, but still two hours from its setting; on the snow-covered earth it gave good light. As he tiptoed about the house where he had lived for months, he noticed that the shades were not even lowered in the windows.

He tried the latch of the door; extraordinary luck, the door was unlocked. Softly he opened it and stepped inside. The kitchen was near the entrance; he crept across this room and, with a stick, barred the door leading into the next room. This was an odd action, if he supposed, as it is thought he did, that the lower rooms were unoccupied, and that the sleeping women were upstairs. Could he have peered in at the windows and made out in the dim light that someone was sleeping there? It is not probable; the moon rarely gives enough light for that. But he had roused a sleeper;

the dog, Ringe, barked, and Karen sat up on the couch which had been made up for her in the kitchen, and cried out:

"John, is that you?"

It seemed to her that the fishermen had returned and that her brother-in-law had just entered the house. Maren, who was sleeping with Anethe in the next room, was also roused and called to her:

"What's the matter?"

Karen, still deceived, answered:

"John scared me!"

But she could hardly say it before the stranger picked up a chair, rushed at her, and in the dark dealt a hasty, savage blow, which inflicted some injury, and also knocked down a clock from the shelf above her head. It was found there, next day, and it had been stopped by the blow at seven minutes past one. This incident was recalled later in the case, with a quotation of a remark by Rufus Choate: "Though the dial spake not, it gave most manifest sign, and pointed to the stroke of murder."

Surprised, if he was, to find the women downstairs, he must have expected to arouse them; his search for money was to be made upstairs and down. But now he struck clumsy blows at Karen, who began to cry out in her horror and fright:

"John kills me! John kills me!"

Whatever speech these women ordinarily used, in this moment of terror they doubtless reverted to their native tongue. This was Karen's cry, as the other reported it. Maren was now beating on the fastened door, and trying to come to her sister's rescue. Karen had risen and staggered across the room, when she fell again under the blows. As she did so, she dislodged the wooden bar, by which the door was fastened, and the door came open. Maren entered, and

began to drag her sister toward the bedroom. She was conscious of a tall man, dimly outlined against the window. Instantly he rushed at them both, and struck at them with his awkward weapon, wounding both, but not fatally. During all this time he never uttered a word; his voice would betray him.

Both women got into the other room and succeeded in closing the door. Their assailant had withdrawn for a moment. Maren told the terrified Anethe to climb out the window and to shout for help; perhaps the folk on Star Island might hear. So they might have done, had Anethe been able to shout, and had those on the near-by island been awake and out of doors. Anethe managed to crawl out of the low window—only a few feet from the ground—and stood there, clad only in her nightdress; her feet bare in the snow. In response to Maren's continued commands for her to scream for help, Anethe only replied:

"I cannot make a sound."

She was paralyzed with fear. At this moment, the man came around the corner of the house, and at last they saw him clearly in the moonlight. Anethe shrieked his name:

"Louis! Louis! Louis!"

There was no mistaking him for John, now. Indoors, Karen had called him "John" merely because she expected John and could think of no one else. Moreover, her room had been fairly dark; he had lowered the shades after he entered. But as Anethe called that name, Maren, looking out of the window, saw their enemy, who came so near the window, as she said, that he could lay his elbow against it.

The trap into which he had stepped was to be long in closing, there were tortuous paths for him; shiftings and evasions for months and years. But that moment

was a deadly one; Maren recognized him then, beyond all doubt, for Louis Wagner.

Now, however, as soon as Anethe called his name, he returned to the door of the house and got an ax which had been used that day to break the ice at the well. He returned and confronted the poor girl, who continued, in her terror, to call out nothing but his name, over and over again. If it was an appeal, it was quite useless. He brought down the ax on her head, and she fell before him in the snow and lay there at his feet. He struck her at least twice more, to make sure of her death. All of this was seen, through the window, by the horrified Maren. The latter tried to rouse her sister as she lay on the floor, with her head against the bed. She knew that the butcher was finishing outside; it would be their turn in a few seconds. She urged Karen to get up and run with her. The other, weak from her injuries, and spellbound in fright, could only say:

"I am too tired," meaning of course, "I haven't the strength to move."

It was fortunate that Maren, with the natural instinct for self-preservation, should have twisted a skirt around her shoulders for protection from the cold, and climbed out another window, probably at the rear. Her dog followed her. She ran at first to the henhouse, to hide in a cellar beneath that, but thought better of it. She knew that Wagner would hunt for her all through the buildings, and that the dog would bark and reveal her hiding place. In this, her reasoning was correct; Wagner's footsteps in the snow were found around all the buildings next day. She then went to the cove to look for a boat, but none was there. Her final plan was to run to another part of the island, and to hide in the rocks near the water.

Her condition was deplorable. Her feet were bare,

and except for the skirt which she had picked up, her only garment was her nightgown. Half frozen with the cold; in deadly fear for her own life and anguish of mind for her sister and her brother's wife, she stumbled through the snow, the bushes, and over the sharp rocks. It is a hard place to walk even in summer and by daylight. She fell often. Ringe ran close to her; so close that she stumbled and fell over him. And to add to her terrible misery, she looked back at her house, saw a light in it, and heard the screams of her sister. Louis had returned to the house, lighted a lamp, and was now methodically slaughtering Karen.

That wretched woman finally got upon her feet, fled into another room, and tried to escape through the window. He struck at her with the ax and smashed the sill. It was a heavy blow, which could have been struck only by a powerful man. He continued his blows, going outside to make sure to finish the bungling, horrible business. It was then that the screams were heard by Maren. Finally, after repeated blows, the ax handle broke, whereupon Wagner took a handkerchief or scarf, wound it about Karen's throat and strangled her. At some time he took the same precaution with Anethe; then he dragged her into the house by the feet, and left her in the kitchen. He threw some garment over her to cover the shocking wounds in the head and the pitiable nakedness of the body.

Possibly before this, he had made his frantic search for Maren among all the buildings and hiding places near by. A witness had escaped, and his safety was imperilled; he was a systematic man, and so far his nerves had not been shaken by the butchery. His tracks—some of them marked with the blood which besprinkled the house—were found in every direction. But he was forced to give up, and return for the money which had been the object of his expedition.

In trunks, in bureau drawers, and in boxes he hunted, upstairs and down. He broke open every trunk in the house with a single exception: one belonging to Karen, which stood in the room which he had formerly occupied. A trunk in John Hontvet's bedroom contained the only large sum in the house: $135, hidden between two sheets at the bottom.

He broke this trunk open and fumbled therein, leaving two spots of blood on the sheets, but missing the money. There were pocketbooks in other trunks or elsewhere; there was Karen's purse with a silver half-dollar, two smaller silver pieces, some coppers, and probably a few dollars in paper money; altogether these pocketbooks contained between $15 and $20. These he found and rifled; one empty pocketbook he left on the floor. He found another pocketbook and broke open its strap: the contents were coins, some Norwegian silver, one Central American and a few Canadian copper pieces. These were dangerous to touch, as too easily identified: he left them behind. At one or two points, on the following day, it was easy to follow the workings of the mind of this coolly calculating man. The entire spoil, the reward of his night's work and the double murder, therefore, was probably less than twenty dollars.

At two o'clock, the moon had been down for a quarter of an hour. He had still a starlit night and a snowy landscape; indoors, he had boldly lighted a lamp, daring the possibility of interruption from another island. If he had been alarmed by the screams of Karen as he killed her, he had probably reflected on the improbability of anybody being up and about on either Star Island or Appledore. The night continued silent, the island cold and deserted, and if his courage had wavered, it returned. After the slaughter of the two women, and after he had finally disposed their bodies,

he had the tasks of the search for Maren and the hunt for the money. In the first he failed utterly, and knew that his plan had begun to go to pieces; that henceforth he was in deadly peril. In the second, he came so near complete failure that he must have felt bitter indeed: to work so hard, to take such risks, to plunge his hands so deep in blood, and all for such a trifling sum. If he could have found the five or six hundred dollars which he thought was on the island, or even the amount which actually was there, it might have brought him means of escape and temporary wealth.

We do not know the order in which all these things were done, or exactly how long he stayed. It has been supposed that, if he had been successful in the pursuit of Maren, he would have dragged her corpse indoors with the others, and set fire to the house in order to destroy all evidence of murder. On the other hand, the fire would have aroused the islanders and perhaps have revealed him, as he rowed slowly back across the dark miles of ocean to the mainland.

For a while he lingered. He sat down in the kitchen and ate: fragments of food not cooked in the house, but brought with him, were found on the table, together with a knife and fork, a plate and cup belonging to the Hontvets. He made tea for himself: the handle of the teapot on the stove was stained red from the murderer's fingers. The body of Anethe lay near by as he refreshed himself. Then he took a basin and towels, went to the well behind the house, and washed away some of the bloodstains. He left the basin in the well, and its presence there was one more indication of familiarity with the premises, one more proof that this was not the work of a stranger, for the well at that time had no conspicuous curb or cover, but merely a few loose stones, not visible at any distance.

Maren Hontvet reached some hiding place in the

rocks, some cove near the water's edge, and at a distance from the house. Here, holding the dog close to her breast for warmth, she crouched and hid. Daylight did not come for four or five hours. If she were on the side of the island nearest Star, as it is said, she had a narrow escape when Wagner went back to his boat, for he must have walked in that general direction and passed not far from her. It was daylight about six o'clock, sunrise half an hour later, but even then she waited, still in fear that the murderer might be roaming the island. It was a clear cold morning with a bright sun. At last she heard the hammers of the workmen building the hotel on Star Island—this would probably be seven o'clock—and she made her painful way, for her feet were frozen and were torn on the rocks, to the nearest point where she could call out and signal for help. She waved her skirt and shouted: the workmen turned and looked at her, and after a moment went on with their work. They were too far away to understand her or to recognize the distress in her voice. She realized that it was useless to wait there, and so, giving the house a wide berth, went to the rocks of Malaga, the nearest point to the Ingerbredsen house on Appledore. Here, after some delay, she managed to attract the children who were playing near the door.

Old Mr. Ingerbredsen came across the narrow channel in his boat, and was astonished to find Maren talking and shouting incoherently, almost in delirium, clad only in her nightdress, her hair streaming, blood on her face and on her garment. She was wild-eyed and pitiable. He rowed her across to Appledore, and there the people gave her care and shelter. Other men were summoned and went over to Smutty Nose with guns, to see if Wagner still were there. They looked in at the blood-stained house and were sickened and horrified.

At ten o'clock the *Clara Bella* came back to the is-

lands. The men on board were unaware of what had happened, and they were signalled from Appledore. Ivan and Matthew landed in the tender, while John sailed the schooner to her mooring. Still the tragedy was not fully explained to them, and Ivan ran into Ingerbredsen's cottage calling:

"Anethe! Anethe! Where is Anethe?"

His sister replied:

"Anethe is—at home."

He rushed out again, jumped into the tender, and rowed across to Smutty Nose. John landed at the same time, and the two entered the house together. Mrs. Thaxter writes:

> Ivan is the first to burst open the door and enter. . . . There upon the floor, naked, stiff and stark, is the woman he idolizes, for whose dear feet he could not make life's ways smooth and pleasant enough—stone dead! Dead—horribly butchered! her bright hair stiff with blood, the fair head that had so often rested on his breast crushed, cloven, mangled with the brutal ax! Their eyes are blasted by the intolerable sight: both John and Ivan stagger out and fall senseless in the snow.

The details of Louis Wagner's return to the mainland will never be wholly clear. We know the hour at which he struck his first blow—seven minutes past one—and we know that he was seen again on the mainland at about quarter or half after six. The murders, and what he did after the murders, would hardly have occupied less than an hour, even if he worked in a frenzy. He could not then have rowed away until two o'clock, or a little after. It is probable that he did not leave as early as that: he was a cool hand, blood-shed did not excite him; he knew that he was fairly secure on the island or on the waters near by as long as the hours of darkness lasted. It is safe to calculate, I think, that he stayed until nearly three o'clock. His was a feat of

oarsmanship which only a strong man could have performed; even so, it taxed him severely, and left unmistakable signs on both man and boat. That he was a powerful man, there is no doubt; the recollection still lingers of his big frame and muscular arms. He did not take the same course on his return, but rowed to a nearer point on the coast and landed in Little Harbour at Newcastle (a mile or two from Portsmouth), near a spot called "Devil's Den," and not far from the present Hotel Wentworth.

He had now six to ten hours' start, and one, or perhaps two, chances of escape. To have walked across country to the railroad at North Hampton would probably have been too much; he was nearly exhausted. Yet he might have made the effort: the gallows was stalking behind him across those snowy fields. To Portsmouth, then, if he could not face the longer walk, and avoiding his own streets and familiar neighbourhood, to take the first eastbound train. The risk of recognition at the station was slight, especially if he did not buy a ticket. He could have been in Portland before noon, and, with any luck, have shipped under a false name, and been at sea, perhaps by the next morning. But luck, which favoured him up to the moment of landing on Smutty Nose, utterly deserted him thereafter. And with his luck, his wits left him. He made the stupendous mistake of going back to Portsmouth, to his boarding house, and trying there, before he fled again, to account for his night's absence. As he had no belongings worth this risk, how can this folly be explained? Did he, in racially characteristic manner, despise everybody and trust in his ability to hoodwink those whom he assumed to be stupid because they were less cruel than he?

The character of Wagner is, and always will be, a mystery. The bestial indifference which permitted him

to sit down and eat, beside his victim, beside the dead body of a woman who had been his kindly friend, is unbelievable to nine tenths of the civilized human race. Lacking his insensitiveness, they cannot understand him; and hence some of them refuse to believe in him at all. A writer who discusses such a person as Wagner, is, nowadays, often called to account unless he furnishes a glib explanation of the man's "psychology." Since most of us are puzzled by the mental processes of persons whom we see every day, I cannot pretend to be impressed by the learning of the cheerful amateur psychologists who now abound; who profess to analyse and explain the thoughts and emotions of men long dead, men whom they never knew. Not all, but much of the psychological biography, history, and literary criticism now being written strikes me as on the same scientific basis as the work of the quack who makes disgnoses and prescribes for disease by mail. Doubtless, he sometimes has a bit of luck.

The mind of Louis Wagner mystified those who knew him; still more is it a riddle to me. It is impossible to furnish a satisfactory explanation of his brutal cruelty while he was on the island; many of his actions after he left were strangely baffling. It may, however, be possible to make one or two generalizations which go a little way toward an answer. I offer them diffidently, without claiming more than that they are guesses, founded on incomplete evidence. Wagner, like most murderers of his type, was probably a complete egoist: humourless, self-centred, and self-important. To him, his poverty, his torn shoes, his want of the comforts of life were cosmic tragedies; compared with these, the slaughter of two or three innocent women, and the heartrending grief of two men, were of no consequence whatever. He was a simple savage; with a child's cruelty, a child's selfishness, a child's readiness

to burst into tears. He could have trampled another human being under foot, and then wept for an hour over the death of his canary bird.*

Many tender-hearted persons find it so painful to think that men like Wagner exist that they seek to dodge the fact, and find other explanations—insanity, or any merciful veil to hide the ugly truth. That Wagner was insane was never suggested; that time-worn defence was not even attempted. The idea that such murderers would, if they lived, be tormented by remorse, is merely a device of the dramatist or novelist, for literary effect. The human tiger, who is fortunately rather rare, knows no regrets except for his own misfortunes, no pity except self-pity. He can—as Wagner did—boast of his crimes.

William Palmer sat by the bedside of his friend Cook, whom he had poisoned, and coolly watched his dying agonies. Sir James Stephen, later the judge, and author of a history of criminal law, wrote of Palmer:

> His career supplied one of the proofs of a fact which many kind-hearted people seem to doubt, namely, the fact that such a thing as atrocious wickedness is consistent with good education, perfect sanity, and everything, in a word, which deprives men of all excuse for crime. . . . He was by no means unlike Rush, Thurtell, and many other persons whom I have known. The fact that the world contains an appreciable number of wretches who ought to be exterminated without mercy when an opportunity occurs, is not quite so generally understood as it ought to be—many common ways of thinking and feeling virtually deny it.

Wagner made his way to Portsmouth—not at all unobserved—and at half-past seven was at 25 Water Street. His sudden appearance at that hour in the morning, his

* A parallel for him may be found in fiction; in Goddedaal, first mate of the *Flying Scud,* in Stevenson's "The Wrecker." Here also were alternate gentleness and violence.

fatigue and disordered looks were instantly noted. With physical weariness had come also weakness of spirit, a revulsion had set in, and he was in the not unusual condition of the murderer who makes damaging admissions which are always troublesome to explain, at a later date, when the defence is set up. To Mary Johnson, daughter of the boarding-house keeper, he said:

"I have got myself into trouble," and wept.

One of the men in the house told him he looked like the devil, and asked if he had been on an all-night tramp. Mary Johnson observed scratches and scars on his knuckles; she heard him say to her parents:

"I feel as if I was going to be taken."

She told him that he looked as if he had been without sleep all night, whereupon he stared at her. He ate a little, went up to his room, changed some of his clothes, and soon set out from the house again. He walked down town, bought some food, and shortly after nine o'clock took a train for Boston. He reached this city about eleven, and made one effort to find a ship. This failed, and he lacked the resolution and judgment to keep hidden. At a barber's, he had his three-weeks' growth of beard shaved and his hair trimmed. Then to a clothing shop, where he bought a new suit of clothes and a hat. His next call was a remarkable one, and furnished an incident which resembles those in the old tales of murder, in which the guilty man flees from justice and is haunted by the vision of his crime.

At a boot and shoe shop of an old acquaintance, Jacob Todtman, at 39 Fleet Street, he called and bought a pair of shoes. Here, also, he took off the overalls he was wearing, and put on his new clothes over his old ones. He asked permission to leave the overalls and his old hat behind him. This was granted, and Todtman then sat down at his cobbler's bench. Wagner sat down, as well, and watched the other at work. Presently the

boot was finished and thrown on the floor, and then Wagner broke the silence. Pointing, he said:

"I have seen a woman lie as still as that boot!"

The stolid Todtman looked up, puzzled at this enigmatic remark, and after staring at Wagner for a moment, replied:

"That is nonsense. When my wife is asleep, she lies as still as that boot."

Wagner checked himself and nothing more was said. This was not remorse, not the cry of a man unable to escape his consciousness of sin, as when St. Paul cried: "Who shall deliver me from the body of this death?" Rather, as his later remarks showed, it was the childish garrulity of a man who must talk upon the topic of his own crime. He kept wandering into familiar regions; into the company of those whom he knew. From Todtman's shop he went, at about four in the afternoon, to a sailors' boarding house kept by Katharine Brown and her husband at 295 North Street. Both he and John Hontvet were known and had boarded there years before. The place in North Street probably lacked some of the cosmopolitan flavour of Fultah Fisher's boarding house, but there was what they called a "shop" on the street floor. More precisely, it was a barroom, frequented by sailors. Wagner came in, took a chair, and sat down by the window. Here he was presently greeted from the kitchen, by a girl's voice, saying:

"Good afternoon, Louis."

This was annoying, after all the pains he had taken to change his appearance. He said:

"I guess you are mistaken."

But the girl advanced into the room—she was a Miss Emma Miller—and remarked:

"If Louis is not your name, it is the name you went by when you was here before: it was Louis Ludwig then."

This was a fact, and Wagner dissembled no longer. Besides, he considered Miss Miller's status, which was that of Anne of Austria in the ballad of Fultah Fisher, and thought that here was one in whom he might confide, after a fashion. He admitted his identity. The girl then observed:

"You look awful bad! What makes you look so?"

Wagner replied:

"I have just murdered two sailors, coming from New York. The mate put me ashore in a boat; I ran away and came to Boston. I had my whiskers shaved off in New York, so that the officers would not know me. . . . There is another girl I want to murder, and then I am ready to go."

Miss Miller intimated that Louis was jesting; he laughed and the conversation ended. After a while, he went upstairs. Mrs. Brown also greeted him with some remark about his strange looks; he replied that he had met with misfortune, had a hard time of it, and was "cast away." Debating with the landlady whether he might stay there for a few days until he found a ship, he said he would await the arrival of the master of the house. Meanwhile, he sat down by the stove in the kitchen and dozed.

He had delayed too long, and underestimated the intelligence and energy of those whom he had wronged. It was no time to be boasting of his wickedness to the girls of North Street; the *Clara Bella,* with John Hontvet on board, had reached Portsmouth again early in the afternoon, bringing to the police the news of the murders—news which was printed next morning by most of the newspapers of America. Louis Wagner's name was given in these reports more accurately than were those of his victims. Hontvet, no doubt, told the Portsmouth police of Wagner's customary haunts in Boston; the telegraph was busy, and early in the evening the po-

lice were at Brown's. Wagner gave them no trouble, and made no particular inquiry as to the reason for his arrest.

Next day, Friday, March 7th, he was taken back to Portsmouth by train. He was followed to the station in Boston by a "hooting mob," and at all stations on the route there were other crowds gathered. When the train arrived in Portsmouth, 10,000 people—so say the newspapers—awaited him, and tried to rush the officers and seize the prisoner for immediate vengeance. The details of what had happened at the Shoals had reached the town, and Portsmouth was moved out of its usual calm. The crowd shouted "Kill him!" "Hang him!" and showed such a disposition to interfere with the course of justice that they had to be kept back, not only by police with drawn revolvers, but by a company of marines from the Navy Yard, who slowly pressed back the mob with their bayonets.

Wagner was at last safely put in the jail, but three days later there was another sudden and extraordinary demonstration, when two hundred fishermen from the islands and from the shore towns arrived in Portsmouth, bent on a lynching. A curious legal situation had developed: it was discovered that New Hampshire had jurisdiction over the three southerly of the Isles of Shoals, but that the four northern islands, including Smutty Nose, were within the State of Maine and the County of York thereof. Wagner must be tried in the neighbouring state, and on March 11th he was taken to the train for transfer to Saco in Maine.* The fishermen were somehow prevented from seizing the prisoner, but a furious, yelling mob of about a thousand people followed through the streets at midnight, as the officers

* A photograph was taken of him, in the Saco police station, and advertised for sale in the Portsmouth newspaper. I have tried, without success, to get a copy of this photograph.

conducted him to the railroad station. Stones were thrown freely—and, of course, wounded only the officers. Wagner trembled and shook, and was with difficulty hustled along by the unhappy police. Portsmouth must have been a strangely stirring town during that week. Many will remember these scenes, as they will also recall the double funeral of Karen and Anethe, and the procession, with two hearses, that slowly wound through the old town to the graveyard.*

The boastful manner which he adopted in Boston was quite gone: Wagner was now in tears, in virtuous grief that he should be charged with murder. He adopted a manner of injured innocence, and professed a piety which he was able so well to counterfeit that its effect lingers to this day. I was not in Portsmouth an hour nor on the Isles of Shoals half an hour before I heard repeated the doubts of his guilt. You may hear said, again and again, the words:

"Some people say he never committed those murders at all."

This state of mind, I am convinced, arose from this extraordinary man's powers as an actor, which he exercised from the moment he was lodged in the Portsmouth jail. Continued professions of innocence, if accompanied by a good personal appearance, and backed up by sanctimonious phrases, will convince many persons that an accused man is suffering grievous wrong. If, in addition, the words "circumstantial evidence" enter into any part of the case, some of the public will vote immediately to acquit a man of all charges, and give him a certificate of high moral character. Of

* They are buried, side by side, in the South Cemetery, and even to-day, an occasional stranger comes to see their graves. Some of the characters in "The Story of a Bad Boy," notably Binny Wallace and Sailor Ben, were supposed to lie in the same graveyard.

course, the strongest part of the evidence against Louis Wagner was not circumstantial, but of the most direct kind, and it was corroborated by an overwhelming number of circumstances. So long, however, as a large number of persons persist in regarding the phrase "circumstantial evidence" as a synonym for "suspicion," there will always be this misunderstanding.

Another frequent cause of public disagreement with the verdict of a jury is a willingness to form a snap judgment from newspaper reports, and the failure to recognize how much better qualified to estimate the weight of evidence are the men who heard that evidence given and saw the witnesses who gave it.

Wagner was confronted with Maren Hontvet and her husband, as he sat in his cell in Portsmouth. He looked up, gazed at them for a moment, and then remarked:

"I'm glad Jesus loves me!"

To which utterance, John Hontvet instantly replied:

"The devil loves you!"

A lady, bent on religious exhortation, also visited him at about this time, and broached the subject of his soul's welfare. As she departed, she said:

"I hope you put your trust in the Lord."

His gentle and honeyed rejoinder was:

"I always did, ma'am, and I always shall."

Yet, although these nauseous remarks are authentic, there seems to have been an aspect to them which impressed a skilled and by no means sentimental observer, who talked with him at a later date. This will be described in its turn—it presents another complication in the man's character.

There was a preliminary examination before a lower court at South Berwick, at which some of the State's witnesses gave evidence. Wagner was held, and in May indicted for the murder of Anethe. On June 9, 1873, he came to his trial in the town of Alfred, at a sitting

of the Supreme Judicial Court. Great numbers of people came by train from Portsmouth. Into this rather isolated New England town the farmers came driving, to witness the trial of one European for the murder of two others. The presiding Justice was the Hon. William G. Barrows. The Attorney General, Harris M. Plaisted, Esq. (afterward Governor), and one of the ablest prosecuting attorneys of Maine, appeared for the people; he was assisted by George C. Yeaton, Esq., County Attorney. The Court assigned as counsel for the defence a learned lawyer and former judge, Rufus P. Tapley, Esq., of Saco, and there also appeared in the prisoner's behalf Max Fischacher, Esq., of Boston, who was brought into the case by somebody in order that Wagner might have the benefit of counsel of his own nationality.

The question was raised more than once of jurisdiction, so it may as well be said now that this was thoroughly threshed out, with many citations from the ancient records of York County, State of Maine, much calling upon the Right Hon. Sir Robert Carr, Knight, and Sir Ferdinando Gorges, Knight, and sundry obeisances toward our Sovereign Lord the King—Charles II —to whom it has to be admitted, Maine was often otherwise neglectful in the year 1873. The names of these eminent personages were found in sundry documents—one of them forbidding any person whatsoever to sell wine or strong liquors on Smutty Nose or Hog Island under the penalty of ten pounds for every such offence.*

There was also a parchment on which Roger Kelley complained of Robert Marr, in that he had used opprobrious language against Mr. and Mrs. Kelley, whereupon the Court ordered Mr. Marr to make public ac-

* This was in 1665. When I visited Smutty Nose, only two hundred and sixty years later, a revenue vessel of the United States was at anchor off the islands, still endeavouring to prohibit the sale of wine or strong liquors.

knowledgment of his fault, or else receive ten stripes well laid on at the post, and to pay costs of seven shillings. Mr. Marr chose the apology. It also appeared that Giles Berry owned a judgment for twenty-five shillings due from him to be paid to Mr. Francis Johnson in refuse fish at ten shillings per quintal. All these pertained to the island of Smutty Nose, and by means of them and other exhibits, charters, and commissions, it was presently establishd to the satisfaction of all the Courts of Maine, high and low, and of geographers everywhere, that Appledore, Malaga, Smutty Nose, and Duck islands are in the State of Maine, although White, Star, Londoners, and Cedar islands belong to New Hampshire. Wherefore, Maine having abolished the death penalty since that date, it behooves any murderously inclined person on, say Star Island, to inveigle his victim into a boat and row over to Appledore before putting him to death.*

Mr. Yeaton opened for the Government; afterward the witnesses for the prosecution were introduced. Old Mr. Ingerbredsen described his rescue of Maren from the island, and Ivan Christensen, who was much broken by the death of his wife, gave testimony as to his tragic return home, and the money which was stolen from his pocketbook. The four men, to whom Wagner had made remarks about his willingness to commit murder in order to get money, all appeared and testified as to this matter. The chief witness, of course, was the one surviving person of that night on Smutty Nose Island: Maren Hontvet. She described the early part of the evening, and the preparation of the three women for going to bed. Her testimony as to the words cried out by

* Isaac Sawtell, about 1891, attempted exactly this judicious manœuvre of removing from New Hampshire to Maine before committing a murder—a fact which does not seem to strengthen the theory that murderers have no fear of the death penalty.

Karen and Anethe at the moment of the attack was admitted over the objection of the defence: they were spoken, however, in the presence of the defendant, and plainly admissible. She was very definite in her statement that Anethe called "Louis, Louis, Louis!" as the murderer approached, and when she was asked who the assailant was, she answered that she saw him herself through the window, only two or three feet distant, and that he was Louis Wagner. She further described certain coins which Karen had in her purse (silver coins were scarcer and more noticeable in 1873 than to-day) and also a button which she, the witness, had given to her sister in the afternoon preceding the murder. Karen had put it in her purse; the Government now offered in evidence this button, found in Wagner's pocket, when he was arrested.

John Hontvet told at length all his dealings with Wagner; of the latter's questions on the Portsmouth wharf in the afternoon as to whether they were going back to the islands, and of his inability to find Wagner all that night, although they looked for him to help in baiting trawls.

A group of witnesses appeared, to describe a man whom they had seen at Newcastle early on the morning of the sixth, making his way back to Portsmouth. Charles Campbell, a watchman in the Navy Yard, living at Newcastle, was one of these; his wife was another. Israel Fletcher, another watchman, also saw the man, who was conspicuous as a stranger in a place unfrequented at that hour. Fletcher and Campbell later observed the man's tracks in the snow; they were the tracks of large rubber boots with peculiar shanks, the tap running back to the heel. (The Government showed that Wagner wore such boots.) Joshua Frasell, going from his home in Newcastle to Portsmouth at six forty-five that morning, saw Wagner, whom he knew, crossing

near one of the bridges. The bridge had been carried away, and Frasell was waiting for the ferry, but Wagner, in haste, crossed by means of a plank. George and Joseph Amazeen were also at the broken bridge; they corroborated Frasell's testimony. They did not know Wagner, but they identified his clothing with that worn by the man they saw. Two others, Anne Carleton and Alonzo Greene, both of whom did know Wagner by sight, recognized him on that morning at about seven o'clock going toward Portsmouth from Newcastle.

Next came his connection with Newcastle. At ten on the morning of March 6th, Charles Place was in a boat in Little Harbour on the Rye side. He saw an empty dory drifting on the Newcastle shore. He secured it, and towed it up to Portsmouth. Next day he found the owner, James Burke, who had lost it from the foot of Pickering Street on the night of the fifth. The thole pins, new on that night, were now worn a quarter of an inch deep.

Mrs. Johnson, keeper of the boarding house at 25 Water Street, and her daughter Mary, testified at length about Wagner's appearance when they first saw him on the morning of March 6th. They were both severely cross-examined by counsel for the defence, with the object of proving them unreliable. Mary Johnson gave some damaging evidence as to a shirt which she had mended and washed for the prisoner; he was, she said, wearing it on March 5th. On the morning of the sixth, on one of his trips forward and back to his room, he passed her on his way to the back yard with something held under his jumper. The shirt was afterward found by the police in a privy vault, and there was medical testimony to the effect that the shirt was stained with human blood. The testimony of the Boston witnesses, Mrs. Brown, Emma Miller, and Jacob Todtman, has already been mentioned. A police officer named Jellison de-

scribed the condition of Wagner's hands as he saw them in the police station after the return to Portsmouth. There were large blisters on the palms of both hands; blood blisters on both thumbs—the result of pulling on the oars for twenty miles.

The Government made a strong point of the similarity between the amount and denomination of the money stolen from the house, and that in the prisoner's possession next day. Three five-dollar bills had been taken; Wagner had never been known to have a bill of that size, yet he paid for his Boston purchases with three five-dollar bills. Karen had a silver half-dollar, a silver five-cent piece, a silver three-cent piece, and "a lot of coppers." Three such silver pieces and thirteen coppers were found in Wagner's pocket. The small white agate button also found in his pocket was, it was urged, the identical button which Maren had given to her sister on the afternoon of March 5th.

Against this body of evidence, both direct and circumstantial, the defence attempted to set up an alibi. Wagner denied having been to the Shoals since December, he denied all knowledge of the murders, and said that he heard of them for the first time when he was arrested in Boston. He denied the truth of some of the statements made about him and his actions; he tried to give an innocent interpretation to other acts and utterances. He endeavoured to account for every minute of the night of the fifth to sixth of March. Taking the witness stand in his own behalf, he seems to have made a fairly agreeable appearance.

He had been, he said, seven years in America, and for the past year or two at the Shoals or in Portsmouth. He explained his question to Hontvet as to whether he were going back to the islands that night, on the ground that he was trying to secure passage for a woman whose first name was "Johannah." He did not know her last

name. The defence did not produce Johannah, nor any one who had ever heard of her. He asked Hontvet if he did not plan to buy a bigger vessel. Hontvet said that he did, but that he could not make money fast enough; that he had a whole house full of women, and as fast as he made money they were spending it "for grub."

It was, both then and later, Wagner's policy to spread the idea that Hontvet, annoyed by the voracious appetite of his women folk, determined on a massacre, and either tried to carry it out himself, or set his wife to the work. There was never the slightest evidence of any ill feeling in the fisherman's family; moreover, Hontvet's presence all that night in Portsmouth was fully established by half a dozen witnesses. Wagner's contention, which he urged until the end, amounted therefore to the assertion that Maren first brutally slaughtered her sister and sister-in-law, then wounded herself and spent the night wandering outdoors in her nightdress in order to freeze her feet and present a wild spectacle.

Wagner's account of himself after he vanished from human sight at seven thirty in the evening of March 5th was not corroborated by a single witness. Not one of the persons with whom he had dealings could ever be found; he was unable to name one of them; he moved in a world of phantoms. According to his story, as he related it on the witness stand, he went, shortly after supper, to Pier Wharf, near Caswell and Randall's store. A man, name unknown, came and asked his help in putting some boxes of fish in a cart. He gave the help, and in so doing bruised his knuckles—wounds which had been noticed by Mary Johnson the next morning. Then he went up to Congress Street where he bought a glass of ale—a witness appeared and gave a not wholly satisfactory corroboration of this drinking, which took place shortly after seven. Thereafter, he, the prisoner,

vanished into mists. He went again to a wharf; he did not know its name. Another man came to him, and asked him to bait trawls. This man led him to a schooner, showed him two tubs of trawls, and Wagner went on board and baited them—about nine hundred hooks. This occupied him until nearly ten o'clock. (He did not know the name of the schooner.) Again he went up Congress Street, and feeling very cold after his work, went into a saloon (which he could not name) where he had two glasses of ale. On his way home he "commenced feeling bad" and stopped on the corner of Court Street where, for half an hour, he was sick.

He walked down Court Street to a "little pump" on the sidewalk, and here he slipped on the ice and fell. Quite overcome by his two glasses of ale, this strangely feeble Teuton lay there until he dropped asleep.

At last he revived, about three in the morning, and went home. He entered a lower room at Johnson's and fell asleep on a sofa. John Hontvet and another man were baiting trawls in the next room, but Wagner was not able to assist, and so did not speak to them. At five he arose and walked down to the wharves again, presumably to get the air, and recover from the awful effects of the two glasses of ale. At seven he was again at the boarding house, where he was greeted by Mrs. Johnson. He went out again, however, after changing his shirt, and met some men he knew near the bridge. (These were the men who had already testified that they saw him that morning, coming from Newcastle.) He returned again to the Johnsons', where he engaged in a few playful and amorous passages with Mary Johnson and her younger sister—a regular daily occurrence, he said. After this he walked down town, and hearing a train whistle, asked a man where that train was going. The man said, Boston. It had been his intention to go to Boston, and so he thought he would do well to seize this

fortunate opportunity. There is nothing like eating hay when you're faint, as the White King observed, and there is nothing like two hours on a Boston & Maine railroad train after a bad night.

As the train pulled into Boston, he thought he saw a ship, in which he had sailed, lying at Charlestown. He crossed the bridge on foot, looked at the ship more clearly, and found he had been mistaken. Then the idea came to him of beautifying himself to do greater honour to the Bostonians, so he went into a barber shop, where he found "a little coloured man" who obligingly shaved him and cut his hair for thirty-five cents. Then to the clothier's, and next to Jacob Todtman's. While he was there he conversed with Mr. Todtman about old times, and he—Wagner—spoke of a girl he used to have at home, seven years before. He—Wagner—said that perhaps she was dead. (The inference was that Mr. Todtman, full of the romantic imagination peculiar to Dutch shoemakers, had twisted this into the suspicious remark about having seen a woman lie as still as that boot, and had come all the way from Boston to Alfred, Maine, in order to deceive the gentlemen of the jury with the results of his playful fancy.)

Next came the visit to Mrs. Brown's. Here he was clearly a great big splendid boy in a nest of harpies. He was accosted by one "Emma"—the same who had given testimony in the courthouse during the present trial—and he reminded her of old, far-off, forgotten things, and battles long ago. There was that night when Mrs. Brown pulled her husband's whiskers out, "and Mr. Brown was going to kill his wife that night," so that the terrified Mrs. Brown asked him to stay there to save her life. Miss Miller could not recall the incident. Then Wagner asked her if she remembered that he stopped in the house that night, and was sleeping upstairs in the front room, and that she came into his room in her

nightclothes, and "tried or did turn into" his bed. This, as a more tender and delicate reminiscence, the lady admitted was within her recollection. Then she came and sat down on his knees. He looked at her, and by way of light conversation, asked her if she were not in a family way.

Her reply was: no. Then he virtuously pushed her away; she asked him to stand treat. He said he had no money; his money was coming by train. Another girl who was present gave him a glass of spruce beer; he drank that mild beverage and went out. A few hours later, he was surprised at being arrested for a murder in the Isles of Shoals.

He swore that he had not been on the islands since December; that he bore no ill-will toward any of the folk on Smutty Nose—they were his only friends; that he had never told anybody that he would have money even if he had to do murder for it; that he had earned the $20 he carried to Boston; and that he had raised some of the blisters on his hands sculling a dory, and the others in hauling trawls. He denied that the bloodstained shirt was his; he tried it on in Court, and the wristband appeared to be too small to button.*

He admitted that he did not know the name of the man who hired him to bait the trawls at the wharf that night in Portsmouth. On cross-examination he said that this stranger had paid him, a stranger, in advance for the work. He could give no satisfactory explanation why he did not go upstairs and to bed in his own room, after he came home sick. His statement that he had slept on a couch in a lower room at Johnsons' was denied by Hontvet, by Ivan Christensen, and by a man named Lowd who was helping them with the trawls. Lowd himself slept on the couch a greater part of that

* It had shrunk somewhat; while his wrists were swollen from handcuffs.

time. This was confirmed by another boarder in the house, a man named Kenniston, who saw Lowd. The room in which Wagner claimed he slept was one into which all these men came frequently during the night, to get water. The Johnson women testified that they had bolted the door by which Wagner said that he had entered. As to Wagner lying asleep by the pump on Court Street, from half-past ten until three in the morning, Government called three patrolmen who were on that beat, and they deposed that there was nobody at all asleep by the pump. The ground was perfectly visible and clear in the moonlight, and as they passed by the pump many times, they could have touched anybody who might have lain there. Of course, they would have roused any such sleeper.

Mr. Tapley, in his speech for the prisoner, asserted that the case was purely one of circumstantial evidence —a bold claim, in view of Maren's testimony! He attacked the evidence of the men who said they had heard Wagner's threats of murder, intimating that this seemed to be cooked up to fit the case. He impeached the testimony of the Johnsons, as incorrect or wilfully false. He suggested that Todtman had misunderstood the remark in the shoe shop; and that all the prisoner's alleged statements in Boston were too strange to be true. This point for the defence apparently impressed many people outside the courtroom. Not the jury, however, who heard the Boston witnesses. Mr. Tapley said that all of these incidents showed careful nurture by the police, engaged in working up a case. His argument was based chiefly upon grounds familiar in many criminal cases: that the police had selected a victim, and induced a variety of persons, some acting perhaps innocently and others corruptly, to give testimony which would send their victim to the gallows. He dwelt upon Karen's cry of "John," when she was first attacked, as showing, at

least, that the assailant did not resemble Wagner. He dwelt again, and at length, upon two technical matters, the question of jurisdiction over Smutty Nose, and of the correct names of Anethe as given in the indictment—two points which were proper to raise, but had no bearing on the question of guilt. He said little about the damning testimony of Maren Hontvet.

The argument of the Attorney General, Mr. Plaisted, was in great detail, and was very strong. He spoke for three hours and a half. He pointed out that the defence stood upon the unsupported statement of the prisoner, who had tried to impeach or asperse every material witness against him. He claimed that the alibi was overthrown, and that an alibi overthrown was a conviction. He told the story of the murders in vivid fashion. The fact that Maren was willing to admit that Karen at first mistook the intruder for John, proved Maren to be a truthful witness; it did not throw doubt on the identity of the murderer. The man was called "John" in the darkened room; but when Anethe and Maren saw him outside, in the moonlight, they instantly recognized him as Louis.

The charge to the jury was a brief exposition of the law; a clear rehearsal of the points claimed by both sides. If any indication of the judge's opinion could be found, it was in that part in which he referred to Wagner's testimony about meeting the men in the morning: the men who had said they saw him coming from Newcastle. It is not hard to read between the lines here, and to guess that Wagner's story impressed the judge as obviously false at this point.

On June 18th, the ninth day of the trial, the jury went out. They deliberated for fifty-five minutes, and found the prisoner guilty of murder in the first degree.

He went back to the jail at Alfred, and soon gave the people of Maine a fresh sensation. The jail was a new

one, a short distance from the courthouse, and supposedly strong. One night a week after the close of the trial, the two guards who were watching Wagner found that they were actually guarding a well-constructed dummy, made of a variety of objects, and placed in the prisoner's bed. That ingenious man had picked the locks with some wooden implement, and walked out, followed by two other prisoners. He did not know what to do with his liberty, but wandered about the country for three or four days, subsisting on berries—the black, the blue, and the huckle—which are good and plentiful at that season. He slept in the high road for fear of "wild beasts," and narrowly escaped being run over by deputy sheriffs driving madly about in search of him. Finally, he was captured near Farmington, New Hampshire, and returned to the Alfred jail.*

In July, the exceptions taken at the trial were argued before the full Bench of the Supreme Judicial Court, and all overruled. In September, Wagner was sentenced to be hanged after one year's confinement in the State Prison at Thomaston. This lapse of a year between sentence and execution was a provision of the law, made doubtless in the name of justice and mercy, but like the similar delays which occur in almost every state in the Union, actually promoting neither. The postponements of the execution of the capital sentence result sometimes in the escape of guilty men from justice; always they result in prolonged mental torment for the prisoner, which is not contemplated by the law, and is the reverse of merciful.

At this point it will be convenient to speak of the

* There are many romantic yarns about the escape, including one which involves a probably fictitious "jailer's daughter." The people of New Hampshire believed that Maine wished to avoid punishing Wagner. It is a fact that he announced his intention to escape a week before he accomplished it.

survivors of the folk on Smutty Nose. About a year after the murder of his young wife, Ivan Christensen went back to Norway, alone. John and Maren Hontvet moved into Portsmouth, taking the dog, Ringe, with them. Here John Hontvet lived for thirty years, more or less. He built a schooner for fishing on the banks; she was called for his wife, the *Mary C. Hontvet.* After 1903, the Portsmouth directory no longer contains the name of John C. Hontvet, master mariner, but there did appear the name of his widow, Annie. This seems to indicate the pre-decease of Maren, and a second marriage.* John is still remembered, and respected as a good, law-abiding citizen. The house on Smutty Nose was ransacked by souvenir hunters, who carried away bits of bloodstained wallpaper, chips of wood, and whole windows. The building was destroyed, I think by fire, years ago.

As the year of confinement at Thomaston came to an end, it became imperative for the Governor of Maine to commute Wagner's sentence, to pardon him, or to cause him to be executed within one year from the date of the original sentence. On September 17, 1874, the Governor consulted his Council in the matter. A motion to advise him to commute the sentence to life imprisonment was lost, 5 to 2. He was then advised unanimously to fix January 29, 1875, for the execution, and issued his warrant accordingly. By January 14th, however, Wagner's case had become complicated with that of another convict, John True Gordon, awaiting execu-

* It is said, however, that John and Maren separated, the latter returning to Norway. A bit of gossip, typical of many murders, is that years afterward Maren made a "death-bed confession" of her own guilt of the crime. Few have heard this, and I cannot prove that it even got into print. It is absolute bosh, although perhaps good enough for a yellow journalist, who had never read the report of the trial.

tion for the murder of three persons. The Governor granted Wagner a reprieve until February, while the question of the commutation of Gordon's sentence should be considered. If this were refused, it was planned to hold both executions at the same time. In February, the Council, now mainly of different members from the preceding September, again considered an order to commute Wagner's sentence to imprisonment for life. This was unanimously rejected; not even the Councillor who introduced the motion seems to have voted in favour of its passage. Late in the same month, another reprieve until March was ordered for both Wagner and Gordon. The day now fixed for the execution was March 26th, but on March 24th, the Council, who seem to have determined to play this cat-and-mouse game to the limit, again reprieved both convicts until June 25, 1875. The warrant for their execution on that date was then issued, signed by the Governor, Nelson Dingley, Jr.,—some twenty years later celebrated as the author of a national tariff act.

Twenty-seven months after his crime, therefore, and more than two years after his conviction, Louis Wagner was again to prepare, and this time finally, for execution. Since his escape at Alfred he had conformed to the prison regulations, and apparently won good opinions. On the night before his death he conversed for a long time in his cell with a young editor of the Lewiston *Journal,* afterward famed as the editor of *The Sun* of New York. This was Mr. Edward P. Mitchell, who wrote, I have little doubt, the report printed two days later in *The Sun.* He has also given an account of the execution in his "Memoirs of an Editor."

Wagner, said Mr. Mitchell, was ignorant and even stupid, but not brutal in appearance.

He went over the whole case against him, slowly and deliberately, with a marked accent, but in well-chosen Eng-

lish words. His face was round and good-natured. . . . When he spoke of his faith in God, what might read like cant sounded sincere. All the testimony at the trial I had studied carefully, without finding reason to doubt the justice of the verdict, except that the theory of guilt necessitated credence in a marvellous performance with the oars; and yet when I left the cell that night after seeing how the condemned bore himself and hearing his simple forcible discussion of the case there was doubt and not certainty in my mind.

Wagner still laid the murders to Maren and John Hontvet. He professed confidence that God would interfere to save him.

"Gott is goot: He cannot let an innocent man suffer; He knows de truth and if dot is so, He muss know mein innocence. If de beoples put Louis Wagner on de gallows mit der rope arount his neck, Gott will yet save him. It cannot be oderwise."

The other condemned man, Gordon, groaned and wept all night; Wagner slept soundly. The warrant fixed the time of the execution between eleven and twelve in the morning. A few minutes before eleven, it was discovered that Gordon had made a nearly successful attempt at suicide. A shoemaker's knife had been smuggled into his cell; he had gashed his leg in an attempt to sever the femoral artery, and had also stabbed himself in the side. He was bleeding to death, and could live but a few hours. The Sheriff was in a quandary whether to proceed with the execution of the wounded man or to disobey the warrant. He resolved upon obedience to the law. Wagner was led and Gordon was carried to the place of execution. The gallows was set up in a deep hole in the earth of the prison yard—an old, disused limerock quarry. As one stood, and the other was supported, on the platform, the murderer of Anethe and Karen looked pleasantly about and said farewell to one

of the officers. With a pitying glance toward his companion, he also remarked:

"Poor Gordon, poor Gordon, you are almost gone."

Asked if he had anything further to say, Wagner replied:

"What I have to say I have recorded in mein true story. I hope in de help of Gott. . . . I pelieve in His holy Wort and His commandments. Dat is all I have to say."

The trap was sprung, and both men died.

Here we leave this strange man. Strange, perhaps, because he was a survival from primitive times; complicated—to us—because he was a man of the Stone Age, hampered by civilization. I confess that when I first read the account of his last day on earth, written by an observer so shrewd, a man not to be swayed by sentimentality, I was puzzled to reconcile this Wagner with "the Prussian devil" of whom the usually gentle Mrs. Thaxter wrote in the week following the murder. Here, too, was a different person from the dark, powerful, secretive, stubborn man, given to swearing, who was described by another woman who knew him not merely for a day, but for months. Doubtless, any of us, had we talked with Wagner on that last night, or witnessed that appalling scene in the quarry, would have shared the uneasiness which some of the prison officials are said to have felt. But the blundering with Gordon, and the circumstances of his death, do not prove the innocence of either man. And in the light, not of emotion, but of reason, there was no cause to question Wagner's guilt. If ever a case were proved up to the hilt in a court of law, it was that against Louis Wagner. The jury who saw him for nine days, and heard him talk for hours, made a prompt decision against him; a decision which his judge, and the other judges, upheld. That fact, and

the failure of the few efforts to obtain executive clemency, show how feeble was the argument for his innocence. Even without the direct testimony of the eyewitness, a woman whose character was unimpeached, the case was strong. Combined with Maren's story, the mass of circumstances led to an inescapable conclusion. It is preposterous that so many persons, mostly of good character, could be banded together to swear away the life of an innocent man. His own story of his doings on the night of the murder is absurd.

Moreover, Wagner was far from the man of transparent virtue that he seemed in his days at Thomaston. His professions of faith increased in fervour and apparent sincerity as they seemed likely to be advantageous; his attacks upon the witnesses against him were often venomous. He accused two of them of murder, another of highway robbery. There is no trace of the simple and unaffected piety until he was under arrest and it could become of material help. It is said that he had boasted of earlier crimes in his past, and this is by no means unlikely. The island murders may not have been his first taste of blood, or, at all events, of violence. The escape from jail throws a different light upon a man supposed to be stupid and childlike. Not a few murderers walk the earth in full enjoyment of their freedom because of their innocent and virtuous appearance; when one of these honest-looking fellows is accused of crime, the evidence has to be overwhelming before a jury will convict. Many and many a murderer, his hands dark with the blood of his victims, has faced his last moment with a courageous smile and a protestation of innocence which rang with apparent sincerity. There are many reasons why a man may think it worth while to deny his guilt to the last moment; it is said that Wagner fancied that without a confession he could not legally be executed. Later in this book is related the story of an

educated man, who treacherously poisoned a girl who loved and trusted him, and then died with a simple, well-phrased, and totally false declaration of innocence upon his lips.

The execution at Thomaston became a shocking spectacle; it is not surprising that it was the last ever held in Maine. But far more terrible, far more pitiful, and a thousand times more wicked was the scene on that lonely island, under a wintry moon, when the terror-stricken woman paused in her flight to listen to the screams of her sister as she met her death at the hands of her slow and remorseless murderer.

II

A Demnition Body; or,
The Embarrassments of Mr. Udderzook

"I shall be a body . . . a demd, damp, moist, unpleasant body!" exclaimed Mr. Mantalini, ". . . I shall require no demd allowance. I will be a body."

If I put ten dollars on a horse—a horse who is a complete stranger to me, and is, perhaps, in Havana or New Orleans—or if I risk two dollars upon my guess that the three kings in my hand have more power than all the five cards held by the man who is glaring at me across the table—if I do either of these things, I shall be denounced by some folk as spending my time and money most woefully. And I should be disposed to agree with them, although probably not for the same reasons.

But if I take up with the sporting offer of a life insurance company, and pay in thirty dollars in guarantee of my belief that I shall assuredly perish during the coming year, as against their generous bet of a thousand that I shall survive to the end of it, then I am not a gambler at all, but a wise and prudent citizen. Indeed, it is a matter of custom; the public opinion which once condemned usury as a sin, now regards the collectors of interest as especially sacrosanct personages, never rec-

ognized in pictures unless shown with glossy silk hats and white mutton-chop whiskers.

When somebody invented that scientific and spotlessly moral form of betting known as insurance, it was instantly apparent that it lacked the chief ingredient of sin: there was no fun in it. Nobody would grow pale, nor sit up all night in a stuffy room to rake in the premiums or pay its indemnities. It might have remained, for ever, as prosaic as any other business, if it had not attracted a number of picturesque and bizarre persons who saw a chance for profit under conditions which struck them as agreeable. I do not refer to the young men who call upon you and explain that the board of directors, in their benevolence, have extended your privileges, and will now permit you to get killed or mangled by some new and fantastic method, and at the same old rate of payment. I refer rather to those who noticed, early in the history of insurance, that a dead body, or a burned building, might have a cash value, and resolved to profit by that fact, even if they imposed slightly upon the poor, innocent company. There is a certain charm about solemn hocus-pocus, and it has never been exhibited to better advantage than by little groups of persons, in all the trappings and the suits of woe, who have followed to the grave a coffin which contained nothing more melancholy than a bag of sand or a certain amount of tanbark. The insurance companies, through sad experience, have learned how to be courteous and sceptical at the same time; how to maintain an air of polite sympathy toward grief-stricken heirs, or toward gentlemen wringing their hands above a smoking ruin—how to do this, and still keep a weather eye open, in case the grief should be a mere bit of acting.

Frauds against insurance companies make up a large chapter in the history of deception—a curious one, with

a doleful humour of its own. The practitioners are a quaint assemblage of earnest workers, both high and low in station, rude or cultivated in manner. From them I have selected a man who lived in Maryland and Pennsylvania, more than fifty years ago, where, like Jeshurun, he waxed fat and wicked. I found him between the covers of a book: a lamentable record of human frailty, and at the same time one of the most amusing volumes which I have seen. It was published in 1878, the work of two medical gentlemen, John B. Lewis, M. D., and Charles B. Bombaugh, M. D., both qualified by their official positions, and their acquaintance with the darker paths of the insurance business, to speak from the heart upon the subject. They called their book: "Remarkable Stratagems and Conspiracies: An Authentic Record of Surprising Attempts to Defraud Life Insurance Companies"; they bound it in black and red cloth, and issued fifteen hundred copies. Naturally enough, these were soon exhausted, yet eighteen years seem to have elapsed before the second edition appeared, in 1896. This was entitled, with slight variation, "Stratagems and Conspiracies to Defraud Life Insurance Companies"; it had grown in height, in length by more than two hundred pages, and very greatly in interest. The second edition, as often happens, is far more desirable than the first.

Within the pages of this book dwell an amazing gallery of adventurers; no single volume of the Newgate Calendar can rival it. Indeed, the monotony of style of that more famous work and its endless moral reflections make it, in my opinion, far less sprightly. The Doctors Lewis and Bombaugh set out to write a book of counsel and warning to their fellow officials in the insurance business; what they did was to compile a small encyclopædia of crime in the United States, and incidentally to beat, at their own game, two or three detectives

and police officials who have written books about wrongdoers.

The reader of it will dwell fondly upon its characters: a highly coloured pack of cards in which aces and knaves predominate. Reflect, for example, upon a person calling himself General D. K. Boswell, who, shortly after the Civil War, appeared in Muncie, Indiana. He pretended to be a former Brigadier General, but some unsympathetic letter-writer described him thus:

If the D. K. Boswell who swindled you is the Daniel K. Boswell who in 1845–6 left his wife and children in Galena, Illinois; went to Hannibal or Palmyra, Missouri; ran away with old man Ross's daughter; said he was married on a steamboat; took a free negress from Indiana to Lexington, Kentucky; sold her (after she had a child by him) to a Mr.—— for a slave; was indicted but escaped (about 1848) to Memphis, Tennessee; set up a picture gallery; made obscene pictures; perjured himself in a deposition to blackmail a citizen there; went to Holly Springs, Mississippi; in September, 1848, stopped some time at a hotel, where he said he was robbed by a servant of $800; had the poor slave whipped nearly to death before it was discovered that he had had no money and had not been robbed; got into many difficulties there; shot a man's mules; committed perjury; ran away to West Tennessee; "got religion"; joined the Campbellite church; again got into difficulties, and disappeared, but whither this biographer knows not—if this is your man, he is the most unmitigated scoundrel unhung!

George Borrow might have admired that breathless description of the General. Borrow complained of those who tried to embellish their tales of crime "by philosophic speculations and reflections." Such writers, said Borrow, "are anxious to shine, and people who are anxious to shine can never tell a plain story." But this anonymous biographer—Boswell's Boswell—had a directness which is nothing less than admirable. It may be

added that General Boswell, at a later date, said that he fell off a steamboat into the Missouri River—an accident which did not prevent him from taking part in a game of croquet, about three years later, in the town of Galesburg, Illinois. He was then known, however, as "Judge I. S. Howe."

There were also the obscure circumstances surrounding the death of Captain Colvocoresses, who, in the streets of Bridgeport, Connecticut, was either murdered by somebody armed with a large and decrepit horse pistol, or else performed the remarkable feat of committing suicide with that weapon, and afterward throwing it across the street. There appears that alumnus of the University of Vermont with the Dickensian name of Dr. Herman W. Mudgett, best known under his alias of H. H. Holmes, who attracted the attention of such a distinguished writer on criminology as the late H. B. Irving.

First place for determined character and eccentricities might easily go to a lady named Walburga Wackerle. This resolute matron was the wife of a veteran of the Civil War, a citizen of Minnesota, named William Wackerle. By the insistent urging of his wife, Mr. Wackerle was induced to insure his life in her favour for $3,000 in the Ætna Company of Hartford, and for $4,000 in the Mutual Life of New York. Not once, but twice, did Mr. Wackerle flee from his lady and take refuge in California. The first time, she pursued, and triumphantly brought him back; the second time he had found a secret and secure refuge. These flights, according to her account, were base and unmanly desertions; in the opinion of some friends of the Wackerles, who knew Walburga, the only surprise was that the flight had been so long delayed.

Ranging the country in pursuit, Walburga discovered, near Shreveport, Louisiana, the grave of a man whom

she decided was her husband. Why she came to this decision is not known, unless it was for the reason that while Mr. Wackerle upon the earth was merely an annoyance, under it, he was valued at $7,000. As a matter of fact, it was the grave of a Belgian, named Ettine. For a number of years Mrs. Walburga Wackerle's lawsuits and pilgrimages up and down the land were a matter of almost national interest. In St. Louis she found a gallant jury, of the kind always willing to vote money out of the treasury of a corporation into the pocket of a tearful lady. Despite the appearance in court of Mr. Wackerle himself, returned a second time from California, they awarded her a considerable sum for his death. The incident of the second return in the flesh of her husband from California was a matter of some irritation but no dismay to her; the heroic Walburga coldly stared at him, and intimated that he lacked the finer feelings of a gentleman to intrude at such a time. She lost one suit and was bitterly denounced by the judge as a fraud, but after her partial victory in the other case, she became quieter. Her husband returned once more to California. He had established his identity among his old neighbours, and somewhat pathetically he remarked in a published statement that he had always been William Wackerle, and would always remain so, "even if the reputation of Walburga Wackerle as a heroine should suffer thereby." He added that he was going again to his farm in California, which he had acquired by dint of hard labour, and there he proposed to live, until he died for good and ever.

The charms of these supernumerary characters have caused me to delay, perhaps too long, in coming to the chief subject of this chapter. He first appears among a small group of people standing around a burning cottage on the York Road, four miles outside of Baltimore.

The time was the evening of February 2, 1872. The cottage belonged to a gentleman of the highly respectable Maryland name of Lowndes; and Mr. Lowndes himself was an innocent bystander, watching the destruction of his property. There was also present a citizen of Baltimore, Mr. William E. Udderzook, a smith and edge-tool maker, but formerly "a teacher of fine arts." This, it appeared later, meant that before the Civil War he had been engaged, in Pennsylvania, in giving instruction in penmanship, and in "fine painting in oil."

After the cottage had been blazing furiously for the greater part of an hour, and was nearly consumed, Mr. Udderzook approached, and remarked:

"I think he is in the house."

Much startled, the owner of the cottage turned to the speaker, who was a stranger to him, and said:

"Who is in the house?"

Still in a portentous manner, Mr. Udderzook replied:

"Mr. Goss."

This name was familiar to Mr. Lowndes. A number of months earlier he had been persuaded, rather against his will, to let his cottage to a Baltimorean named Winfield Scott Goss, said to be an inventor. Mr. Goss had invented what he called a ratchet screwdriver—and usually carried one of them about with him. More especially, however, he was engaged in trying to make an artificial substitute for rubber; samples of this he also carried in his pockets and showed to his friends. They agreed, usually, that it looked very much like rubber; in point of fact, they thought it *was* rubber. Mr. Goss had taken the cottage as a convenient place for his secret experiments, and now Mr. Lowndes was both distressed and astonished at the suggestion that the inventor had perished in the fire. He asked about his informant, and found that Mr. Udderzook and Mr. Goss

were brothers-in-law. He looked at the building, still a mass of flames; the roof had caved in, the sides and chimney had fallen. It was madness to step inside the ruin.

"Is it possible," he exclaimed, "that you, knowing Mr. Goss was in there, have not given the alarm before?"

Mr. Udderzook replied that he had not wished to give a false alarm; he had been looking for Mr. Goss, and failing to find him, felt sure he must be in the house, and must now be burned up. Considerations of etiquette had also stayed his hand; except for some friends named Engel, he was not acquainted with anybody present, and hesitated to obtrude his private griefs and anxieties upon complete strangers. Only when somebody had pointed out Mr. Lowndes as the owner of the cottage had he taken the liberty of mentioning his dread suspicions about Mr. Goss. The horrified Lowndes answered in Johnsonian manner:

"Sir, you might have alarmed the whole neighbourhood; we would rather have had a false alarm than for a human being to be burned up alive."

At an investigation, later, when Mr. Udderzook explained his diffidence in speaking to strangers, an attorney burst out with the exclamation:

"In the name of heaven, if a man is burning up, do you have to be introduced before you will ask for assistance in pulling out the burning man?"

The former teacher of fine arts replied, however, with cold dignity:

"I claim that I performed my duty in sending a message to the family."

When it was possible to look into the ruins of the cottage, it became apparent that there were grounds for Mr. Udderzook's fears. The body of a man, burned beyond recognition, was found by a number of the spec-

tators; they removed it with difficulty, while Mr. Udderzook was much affected and made sounds as of grief.

It soon appeared that the death of Mr. Goss was no obscure tragedy; the struggling inventor had taken precautions for the benefit of his widow, and four years earlier had insured his life in the sum of $5,000 with the Mutual Life Insurance Company of New York. Some years later, and less than a year before his lamentable death, he secured a policy for the same amount in the Continental Life Insurance Company of New York. After that, the habit grew upon him, like drink, and in the previous October he had taken out accident insurance for $10,000 with the Travelers Insurance Company of Hartford. Still unwearied in well-doing, he had, on January 26th, only a week before the fatal accident, concluded an agreement with the Knickerbocker Life Insurance Company of New York, whereby, in the event of his death, they were to pay to Eliza Waters Goss, his wife, the sum of $5,000. These were not the days when gentlemen took out one-hundred-thousand-dollar life insurance policies as casually as some do it to-day; and the sum of $25,000, now apparently due Mrs. Goss, attracted some attention, at least among the insurance companies.

They, the coroner, and the police all inquired how Mr. Goss, an active man, thirty-seven years old, should have been trapped in this house and unable to escape. The explanations, so far as they could be so called, came from two authorities: from Campbell Goss, brother of the deceased inventor, and from Mr. Udderzook. The brothers, it seemed, had been together at noon on February 2d, until Winfield Goss departed for his laboratory, requesting Campbell to stay in the city and collect some bills for him. This service Campbell performed, and remained at his boarding house in the

evening. He first heard of his brother's misfortune the next day.

Mr. Udderzook had accompanied Winfield Goss to the cottage on the York Road, for the purpose of inspecting the results of the experiments. With a gallon of kerosene, and a bottle of whisky which they bought on the way, and an ax which they borrowed at the home of the Engels, near by, they put in the whole afternoon in the cottage. Exactly how they occupied or amused themselves does not appear: there was, of course, the bottle of whisky, while Mr. Udderzook could look at the samples of artificial rubber, and perhaps seek diversion with the newly invented ratchet screwdriver. At dusk, Mr. Goss filled a coal-oil lamp, which held about a quart, from the gallon demijohn of kerosene. Then Mr. Udderzook went back to the Engels' house, to return the ax; he accepted their invitation to share their evening meal, leaving the man of science to his experiments, which were doubtless more engrossing than food. After supper, together with young Gottlieb Engel, he went back to see how everything was going on at the cottage. Mr. Goss received them, and the three spent about an hour together. The inventor left them from time to time, taking the lamp with him, and going into another room, closing the door carefully each time. Finally, there was some trouble with the lamp, and Engel offered to go back to his mother's house, and get another lamp. Mr. Goss proposed, and rather insisted, that Udderzook should accompany the young man on the expedition. They stayed at the Engel house only a short time, but when they started to return, the cottage was on fire. Both of them running, they arrived in a few moments, when, after a considerable delay, there followed the conversation with Mr. Lowndes, and the distressing discovery, which has already been described.

The coroner found that the explosion of the lamp

had been the cause of death, but the insurance companies adopted a manner highly distasteful to the Goss and Udderzook families. Not only did they show no haste in paying over the money, but they persisted in carrying on certain investigations, which were unfeeling, and which actually reflected, in some sense, upon the character of the late husband and brother. His funeral ceremonies had been celebrated with every mark of sorrow and respect, and only the stony-hearted attitude of the insurance men prevented the whole matter from becoming a closed incident. Their agents, or rather their hirelings and minions, as the Goss family preferred to regard them, had discovered that Mr. Campbell Goss, instead of remaining at home on the night of the fire, had driven into the country with a horse and carriage from a livery stable. These agents, full of unworthy suspicions, suggested that he had met his brother, somewhere near the cottage, and conveyed him to a railroad station. They also pointed out that it was odd that although the ruins of the cottage had been searched without result by a Mr. J. C. Smith, a highly competent junk-dealer, well skilled in finding lost or hidden articles of value, Mr. Campbell Goss had returned to the cottage more than a week later and promptly discovered the brother's watch, chain, and keys at the place where the body had been found. Moreover, Mr. Goss had become liable for $500 or $600 annually for his premiums, and out of an income of $1,200—an excessive enthusiasm which even insurance agents did not approve. It was also a coincidence, they thought, that Mr. Winfield Goss, on the day before the fire, had withdrawn his entire bank deposit and closed his account.

The year passed, and Mrs. Goss, through her attorneys, entered suit against all the companies. Lawyers for the insurance companies wondered if an exhumation and a further autopsy might not discover some-

thing which should either identify the body as that of Mr. Goss, or prove what they were inclined to suspect. The skull was remembered to be intact; recalling Doctor Parkman, counsel suggested that the teeth of the missing inventor were an interesting subject for investigation. Mrs. Goss was addressed, through her clergyman, the Reverend Doctor Fuller, as to whether she would furnish a more exact description of her husband, especially in regard to his teeth, and if she would permit an exhumation. She answered, through Doctor Fuller, that she had already testified as to all that she knew; that she had been shocked by the suspicions in the case, and the aspersions on the memory of her husband, and that she would say no more, but would, instead, commit the matter to the God of the widow and the afflicted.

Counsel for the companies, glad as they might have been to seek a decision before the Tribunal which Mrs. Goss named, were still aware that she had also taken the practical step of entering suit before the Court of Common Pleas at Baltimore, and that a trial was pending. The lawyers exchanged some courteous letters, and finally the written description of her husband was furnished by Mrs. Goss, while permission was given for an exhumation and autopsy. Mr. Goss, said she, had no artificial teeth; had never complained of pain or inconveniences from his teeth; and his front teeth were quite regular. But the autopsy, conducted by three physicians and a dentist, selected jointly by the parties to the suits, discovered that the man buried as Mr. Goss had only two teeth in his upper and seven in his lower jaw. Moreover, it was plain to the examiners that the dead man, whoever he was, had had far from a happy career, so far as his teeth were concerned; dentally, his life had been somewhat of a burden.

The companies, therefore, elected to defend the

suits, which had been transferred to the Circuit Court of the United States. Here, in May, 1873, the action began against the Mutual Life Insurance Company. It was regarded as the test case. Mr. Campbell Goss, Mr. Lowndes and his son, young Mr. Engel, Mr. Udderzook, Mrs. Goss, and many other witnesses were heard for both plaintiff and defendants. There was much medical testimony, and the weight of it seems sufficient to have raised strong doubts of the identity of the dead man with Mr. Goss. Yet, after five hours' deliberation, the jury found for Mrs. Goss in the full amount of the insurance, with interest. As a jury's opportunity for arriving at the truth has been enlarged upon elsewhere in this book, I must explain as best I can how it was that these jurymen made notable fools of themselves. The only reason that can be given is that when there is a conflict of expert evidence in a case for damages, many juries are apt to think it no harm to mulct a corporation, or, better still, a group of corporations. When the beneficiary of their generosity is a woman, arrayed in widow's weeds, they doubtless feel especially complacent. Pathetic, even painful stories were related in court of the recognition of the body by Mrs. Goss. These may have convinced the men in the jury box against all common sense. Thousands of persons in England once harboured the notion that a slender, well-bred gentleman could vanish for fourteen years and be transformed into a gross and half-illiterate butcher. This was partly on the theory that "a mother must know her own child," although the mother, who thought that Arthur Orton was her son, Roger Tichborne, was the easiest-duped woman in Christendom. She wished, in fact, to be duped.

The first round had gone triumphantly for the Goss family and for Mr. Udderzook. The insurance companies persisted, however, in their course, and moved for

a new trial. Mr. Udderzook had received a hint that the companies might institute a more thorough search for the missing man—as they deemed him to be. This gave cause for thought. On June 30th, about three weeks after the close of the trial, Mr. Udderzook appeared in the village of Jennerville, Chester County, Pennsylvania, his boyhood home. Motorists may have seen this village, on the road between Baltimore and West Chester. He had with him a middle-aged, bewhiskered, heavy-set man, whose name was not given to the proprietor of the hotel. He was described as an invalid, and was unable to come down next morning to breakfast. Mr. Udderzook kindly took up some breakfast for his companion. In the evening, the bill being settled, they drove away together in a carriage from a livery stable. At midnight, Udderzook came back alone to the stable, and returned the horse and carriage. He then departed. An examination of the carriage next morning showed it to be in a bad condition. Dashboard and bow-irons were broken; an oilcloth was missing from the floor, and so were two blankets. There appeared to be stains of blood in the bottom of the carriage; and between the cushions was found a large seal ring, set with a bloodstone.

A week later, a farmer, passing by a road in a region called Baer's Woods, noticed a large number of buzzards in the road, on the fence, and in the woods. He remarked the unusual fact, but did not stop. Later, coming back by the same road, the buzzards were still there. He now made an exploration, and in the woods near by found the body of a man, partly covered with earth, leaves, and a few tree branches. Other men were called, and it was discovered that only the trunk and head were buried in this grave. The four limbs were buried apart, in a trench about twenty yards distant. A coroner's jury were impanelled upon the spot, and as the body was recognized as that of the stranger who had gone away

in the carriage, a verdict of murder was promptly returned against Mr. Udderzook.

He was arrested on July 25th and put in jail at West Chester, Pennsylvania. In the meanwhile, the insurance companies satisfied themselves that the missing Winfield Scott Goss was at last found—and at last really dead. A number of Baltimoreans identified this body, while one of the Engels testified that the seal ring, left in the carriage, was well known to him as the property of Goss.

Mr. Campbell Goss, and others of the clan, promptly interested themselves in a most energetic fashion to clear Udderzook of the charge of murder. Able counsel were retained for his defence, including the Hon. Wayne McVeagh, afterward Attorney General of the United States.

The difficulty with Mr. Winfield Goss was that, like Mr. Mantalini, he had determined to be a body, but also like Mr. Mantalini, he lacked the resolution to carry out the plan. Discretion and a consistent retirement from society are essential to success for him who is cast for the part of a dead man. Whoever the person may have been who was found in the burning cottage—it is suggested that his body came into Mr. Udderzook's possession *via* the source of supply for a medical college—he had at least the good judgment to remain in the grave. Mr. Goss had certain disabilities: one of his wife's attorneys, when decorating with the flowers of his rhetoric all the Goss-Udderzook connection, admitted that the departed Goss "might deal in conviviality to too great an extent with his companions." This was a tactful manner of referring to the fact that Mr. Goss had had one or two attacks of delirium tremens. When, therefore, he retired from the world, by way of his brother's hired carriage, on the night of the fire, and modestly took the name of A. C. Wilson, all went well, for a time. All went well until again he

began to deal in conviviality. And then he acted as no gentleman who has been decently buried in a Baltimore cemetery, with the blessing of the Reverend Doctor Fuller, ought to behave. He broke out from all restraint, and was a source of much anxiety to his brother-in-law, Mr. Udderzook.

This capable man, having given Winfield Goss an opportunity to pretend to be a body, to the profit of both families, now decided to end the masquerade, and to transform his brother-in-law into such a semblance of death that even the most critical insurance company could take no exception. Unfortunately, it was too late to profit him at all. While the companies probably paid out, in one way or another, more than the original $25,000, it is not likely that any of this came into the hands of the Udderzook-Goss partnership. That combination had furnished two dead men, at one time or another, but the companies and, indeed, the law, had cause for annoyance and probably held that no payment was due. They could not be blamed.

Udderzook went upon his trial at West Chester in the following October. The State announced their intention to show what had been the career of Mr. Goss, *alias* Wilson, from the night of the fire until his death more than a year later. This included residence in Philadelphia, in Cooperstown (Pennsylvania), in Athensville, with visits to Bryn Mawr. In Newark, New Jersey, he lived for some time, until his departure for the final trip with his brother-in-law.

The case was remarkable for the large number of witnesses examined, and for the many kinds of proof adduced. It was endeavoured to show that the body found in the woods was that of Goss; to trace his career from the night of the fire; to identify Goss with the man calling himself Wilson; to show a motive for Udderzook to commit the crime. The whole story of the

insurance fraud was offered as part of the case for the State, and after opposition by the defence, was admitted by the Court, and related to the jury. Witnesses appeared from all the places in which the dead man had lived, under his own name or under the false one. Medical testimony and testimony as to handwriting were both heard; "A. C. Wilson" had signed hotel registers and in the handwriting of Goss. A photograph of Goss was identified as a portrait of Wilson. Moreover, Wilson had a tendency to "deal in conviviality"; he wore a remarkable ring which was recognized as the property of Goss; he carried with him and exhibited a "patent screwdriver," and he addressed Udderzook as "Doctor," as Goss was used to do.

Testimony of the gravest nature was given by a brother-in-law of Udderzook, a man named Samuel Rhodes. The prisoner had not only written him a letter to enlist him in some dubious enterprise, hinting at crime, but had come to him on the day of the murder, and asked for his help in taking a man into the woods, giving him some laudanum, and then robbing him of his money.

The strength of the case for the prosecution came as a surprise and shock to the attorneys who had acted for the family in the suits against the insurance companies. Feeling that they had been deceived by the Gosses, they refused to continue in the defence of Udderzook in the murder trial, and withdrew before the State closed their case.

The defence made what appears to be a despairing effort. All the witnesses for the State were impeached, and the theme of the wicked insurance companies was again introduced. It was suggested that the trial was an effort to dispose of Udderzook as a dangerous witness in the civil suits of Mrs. Goss.

The jury, it is surprising to note, were out for nearly

two days and nights. At the end of that time, they found the prisoner guilty as charged. All further efforts to interpose legal obstacles proved of no avail; Udderzook was condemned to death, and the sentence was executed on November 12, 1874. He made no allusion to guilt or innocence while he was on the scaffold, nor did he appear especially disconcerted. So far as can be discovered, he continued to assert his innocence to the end. His predicament, he suggested, was the result of a plot by the insurance companies, and he solemnly warned his countrymen of the dangers in which they all stood from these wicked organizations.

In a letter made public a few weeks before his execution, he wrote:

> It is my desire that my remains will rest in Baltimore, if not in the same lot, at least in the same cemetery with those of Mr. W. S. Goss, a friend ever dear to me, that our bodies may return to the mother earth, and our spirits may mingle together on the bright sunny banks of deliverance, where pleasures never end. . . .

It does not appear which of the two bodies of Mr. W. S. Goss this had reference to; but as he apparently maintained to the end that the man in Baer's Woods was a spurious discovery of the insurance officials, he probably meant to choose the company of the Old Pretender of the burned cottage. He naturally felt an abiding interest in this one, since, as the testimony showed, he had conveyed it thither in a box, with the aid of Mr. Goss himself, and an express wagon, on the very morning of the fire.

III

America's Classic Murder; or, *The Disappearance of Doctor Parkman*

Doctor Parkman was walking—rapidly, as usual—through the streets of Boston, on his way to keep an appointment.

He wore a black frock coat and trousers, a purple silk vest, black stock, and high hat, and his lean figure would have made him noticeable, even if his peculiar countenance had not attracted attention by itself. Boys pointed him out to other boys:

"There goes Doctor Parkman!"

Women who passed him on the street went home and told their families that they had seen "Chin." The Doctor had a protruding lower jaw, and his mouth was fitted with some conspicuous false teeth. That chin was not meaningless; he was a determined man, on his way to put an end to a long-drawn-out and vexatious business affair. Plainly there was going to be trouble for someone.

Doctor Parkman was always in a hurry, and to-day he was in more of a hurry than ever. He was so impatient a man, says one account, that when riding he would sometimes leave his horse in the street, and hurry ahead on foot. This morning he had been at the Merchants' Bank on State Street, and at various other places. He bought a lettuce for his invalid daughter,

and left it in a bag at Holland's grocery at the corner of Blossom and Vine streets, where he said he would soon return. Then he pushed on to his appointment, at half-past one, at the Medical College. He must get this business over, and return promptly to his dinner at half-past two—for this was the year 1849, when gentlemen dined early in the afternoon. He hoped that today Professor Webster would really do something to settle this infernal debt and cease putting him off with evasions, excuses, and subterfuges.

Professor Webster! The name was enough to make Doctor Parkman snarl. This was a man who held a lectureship in a medical college built on land which he —Doctor Parkman—had provided. The Parkman Chair of Anatomy in the College—occupied by Oliver Wendell Holmes—was named in Doctor Parkman's honour, as acknowledgment of the gift. And here was Webster, twice a professor, since he was also Erving Professor of Chemistry and Mineralogy at Harvard, and yet he was nothing but a defaulting, dishonourable debtor! Doctor Parkman had told him as much to his face, and to make sure that Professor Webster should be in no doubt about it, had sent him a message to the same effect within a week.

Doctor Parkman had cause to be indignant. Professor Webster, who had quickly run through the fortune inherited from his father, liked to live well and to entertain his friends. Even in Cambridge, and at that date, it was not easy to do this—and incidentally to support a wife and three daughters—on the $1,200 a year which the University paid him, with a slender addition from the sale of tickets for his lectures at the Medical College. Seven years earlier, Parkman had lent Webster $400, taking a note secured by the mortgage of some personal property. In 1847, when the loan was not fully repaid, Doctor Parkman had

been one of a group of men to lend the Professor a larger sum, taking this time a note for $2,432, secured by a mortgage of all Webster's personal property, including his household furniture and his cabinet of minerals. The next year, Professor Webster, still embarrassed for lack of money, went to Doctor Parkman's brother-in-law, Robert Gould Shaw, told a pathetic tale of sheriffs and attachments, and prevailed upon that gentleman to buy the cabinet of minerals for $1,200—omitting all mention of the fact that this collection was already in pawn to Doctor Parkman. The transaction happened to come out in conversation between the brothers-in-law, and Doctor Parkman was furious.

"Those minerals are not his to sell," he exclaimed; "I have a mortgage on them, and I can show it to you!"

The Doctor was prompt and punctilious, and he expected others to be like him. He began to pursue the Professor for the debt. I do not know whether the story is true that he used to come to Webster's lectures, sit in the front row, glare at the unhappy man, and confuse him by the sight of that prognathous jaw and those shining teeth. Webster, in the months to come, did all he could to represent Parkman as an overbearing and violent persecutor of a struggling scholar, and it may be that this was merely his corroborative detail. He furnished a great amount of corroborative detail, once started, and some of it was like Pooh Bah's description of the execution of Nanki Poo, everything added for the sake of artistic verisimilitude. But Doctor Parkman certainly moved upon another source of Webster's income—the sale of lecture tickets—and after he had been fobbed off once more, threatened legal processes to get at this source of cash. On Monday night of this week he had called at the Massachusetts Medical College. Here

is the scene and here is the interview, as they were described by Littlefield, the janitor.

It was in Doctor Webster's back private room. It was somewhat dark in that room. . . . I was helping Doctor Webster, who had three or four candles burning. The Doctor stood at a table, looking at a chemical book, and appeared to be reading—his back toward the door. I stood by the stove, stirring some water, in which a solution was to be made. I never heard a footstep; but the first I saw, Doctor Parkman came into the back room. . . . Doctor Webster looked round, and appeared surprised to see him enter so suddenly. The first words he said were:

"Doctor Webster, are you ready for me to-night?"

Doctor Parkman spoke quick and loud. Doctor Webster made answer:

"No, I am not ready, to-night, Doctor."

Doctor Parkman said something else. . . . He either accused Doctor Webster of selling something that had been mortgaged before . . . or something like that. He took some papers out of his pocket. Doctor Parkman said:

"It is so, and you know it."

Doctor Webster told him:

"I will see you to-morrow, Doctor."

Doctor Parkman stood near the door; he put his hand up, and said:

"Doctor, something must be accomplished to-morrow."

He then went out and it was the last time I saw him in the building.

Nothing, however was accomplished on the morrow toward settling the trouble between the two doctors, and now it is four days later, Friday, November 23d, in the week before Thanksgiving. An unlucky Friday for both men. Professor Webster has paid a sudden and rather mysterious call at Doctor Parkman's house before nine o'clock this morning, and made an appointment to see his creditor at the College at half-past one. Could a settlement be made at the College near an

anatomical theatre, and amid the "pieces of sour mortality"—as Dickens afterward described some of the furniture of the place—which could not be done at Doctor Parkman's home? Evidently both men thought so, for here is Doctor Parkman hastening to the appointment. It is quarter before two; he is seen near the building and going toward it. He enters—or so it is supposed—and then, nobody sees him again.

Such a man as Doctor Parkman could not casually disappear from the streets of Boston, in broad daylight, without causing excitement. He was too prominent and too highly connected. He does not seem to have practised as a physician (although he was M. D. of the University of Aberdeen), but, instead, he devoted himself, too energetically, to business and finance. He was willing to accommodate an acquaintance with an advance of money, and he was not above bedevilling the debtor who seemed to be evading payment. His brother was the Reverend Doctor Parkman; but his nephew, then a young man, recently from college, was to become more distinguished than any of them, as Francis Parkman, the historian. He also had the family characteristic of determination, and it was most nobly exercised. Doctor Parkman lived in a substantial and rather gloomy-looking house, still standing at Number 8 Walnut Street. When he did not come home to dinner that Friday afternoon his family were alarmed, and by the next day were in great agitation and distress. Advertisements offering rewards were put in the newspapers, the river was dredged, empty buildings and cellars were searched.

On Sunday afternoon, Professor Webster paid a sudden and surprising visit at the Reverend Doctor Parkman's house and aroused astonishment by his abrupt manner. The Professor acknowledged having had an

interview with the missing man on Friday afternoon. According to this account, they had parted at the end of the interview. To other persons about the College the Professor said that he had met the Doctor by appointment, had paid him $483, and that the Doctor had rushed out with this money in his hand. The inference served to bolster up the popular theory that Doctor Parkman had been waylaid somewhere, robbed, and murdered.

Professor Webster's actions were strange, both before and after the disappearance of Doctor Parkman, and at last he completely astounded the janitor, on Tuesday, by giving him an order for a Thanksgiving turkey. It was the first gift he had ever made to Littlefield in an acquaintance of seven years. Finally, Littlefield became tired of hearing on the street that Doctor Parkman would be found in the College, and he resolved to investigate a vault below Professor Webster's own apartments. Only superficial examination of the College had been made so far, in the searches which were going on all over Boston and Cambridge. But the janitor, with crowbars and chisels, and with his wife on guard to warn him of the approach of Webster, put in parts of two or three days trying to break through a brick wall, and inspect the contents of the vault. Thanksgiving was a gloomy day with him, in spite of Professor Webster's turkey, for he spent the morning cleaning up his own cellar, and the afternoon pounding and prying at the tough courses of brick in the vault. He had some relief at night, however, when he went to a ball given by the Sons of Temperance, where he stayed until four o'clock in the morning, and danced eighteen out of the twenty dances. Ah, there were janitors in those days!

On Friday, one week after Doctor Parkman's disap-

pearance, Littlefield broke through the wall and looked into the vault.

"I held my light forward," he said, "and the first thing which I saw was the pelvis of a man and two parts of a leg. The water was running down on these remains from the sink. I knew it was no place for these things."

College officers and the city marshal were notified; three policemen were sent to Cambridge to bring Professor Webster to Boston, and put him under arrest.

The policemen told the Professor, when they reached his house, that a further search was to be made at the College, and that his presence was desired. He came willingly enough, and talked pleasantly with them, until he found that the carriage had been driven, not to the College, but to the jail. Then he asked:

"What does this mean?"

The officer replied:

"We have done looking for Doctor Parkman, and you are in custody for the murder of Doctor Parkman."

He became greatly agitated, requested water to drink, and then asked a torrent of questions:

"Have they found Doctor Parkman? Where did they find him? Did they find the whole of the body? How came they to suspect me? Oh! my children, what will they do? Oh! what will they think of me?"

The officer in charge told him that he must not ask questions which it would be improper for him to answer, and then asked Professor Webster if anybody had access to his private apartments in the College.

"Nobody," he replied, "except the porter who makes the fire."

He paused for a minute and then added:

"That villain! I am a ruined man!"

After a few moments spent in pacing the floor, he sat down, took something from his waistcoat pocket,

and put it to his mouth. This was followed by a spasm, and he was soon helpless. The officers helped him to rise and assisted him to a cell, where he lay down. He had a series of violent spasms, but was able, about an hour afterward, to go to the College, in charge of the officers, while a further inspection was made. At a later date, Professor Webster said that before he left the carriage, he took a dose of strychnine, which he had already prepared. He supposed that his nervous condition prevented it from acting fatally, as he thought it was a large dose.

The excitement in Boston was intense when it became known that Professor Webster had been arrested. It is said that two companies of militia were ordered out, but for what purpose, I do not know.

The list of the academic distinctions of John White Webster is rather long. His college class was that of 1811. He was Master of Arts and Doctor of Medicine of Harvard; a member of the American Academy of Arts and Sciences; of the London Geological Society, and of other learned bodies. He had written and edited some books on chemistry, and another describing one of the Azores, where his married daughter dwelt. Senator Hoar, who attended his lectures, said that he seemed "a kind-hearted, fussy person," but that his lectures were the most tedious compositions to which he ever listened. Owing to the fact that he had insisted on having fireworks at the inauguration of President Everett, the students called him "Sky-rocket Jack."

At one of his chemistry lectures, there had been a violent explosion of a copper vessel, part of which flew into the back of the classroom, and except for the fact that a student was absent and there was a vacancy in the row where the metal fragment struck, one of his

auditors might have been killed. The Professor had commented drily:

"The President sent for me and told me I must be more careful. He said I should feel very badly indeed if I had killed one of the students. And I should."

Professor Andrew Peabody, writing many years after the trial, said:

> Of Professor Webster I have not an unkind word to say. I never supposed him to be a great man; and he certainly was not interesting as a teacher, nor was he often successful in his chemical experiments. But he was good-natured in the classroom; and during my tutorship I was often invited to his too hospitable house, and became acquainted with his charming family.

When he was brought to trial in March, many persons still believed him innocent. Others thought that the case against him would fail, for lack of proof that the remains were those of Doctor Parkman. Some of his friends tried to induce Rufus Choate to undertake the defence, but that great attorney, after hearing the evidence, refused to enter the case unless the Professor would admit the killing, and permit him to try to convince the jury that it was manslaughter, not murder. This, the Websters refused to consider. Those, who, like Charles Sumner, still believed in the Professor's innocence, probably did not understand the strength of the evidence which was to be brought forward.

The trial, before Chief Justice Shaw, is one of the landmarks in the history of criminal law in Massachusetts. Everyone was impressed by the gravity of the occasion, and the proceedings were extremely dignified. The jury could not have been excelled for seriousness of purpose and religious demeanour if they had been chosen from the House of Bishops. To accommodate the great numbers of folk who wished to see some-

thing of the trial, the floor of the Court was closed to all but privileged spectators, while the general public were admitted to the gallery, where, it is astonishing to learn, a change of audience was effected by the police every ten minutes! "Except for two tumultuous movements," order and quiet were preserved, and *from 55,000 to 60,000 persons had a glimpse of the proceedings.* The trial lasted for eleven days, and the New York *Herald,* a paper of four pages, was one of many which adopted the extraordinary policy of reporting the events daily, in three or four closely printed columns, and on the front page.

The testimony of Littlefield was of great importance; he was examined for hours. He described the interview between the two doctors, and then said that on that same day Professor Webster had inquired of him about the condition of the vault where were placed the remains from the dissecting room. On Thursday, the day before Doctor Parkman disappeared, Professor Webster sent the witness to the Massachusetts General Hospital on an unsuccessful errand to get a jar of blood. Littlefield saw Doctor Parkman coming toward the College on the Friday, but did not see him enter. During the next few days, the Professor was locked in his apartments at hours which were not customary; unusual fires were burning in the furnace; a stream of water could be heard running in the sink. After the search for Doctor Parkman had begun, Webster told Littlefield that he had paid $483 and some cents to Doctor Parkman, who had hurried out with it.

The State produced evidence that the prisoner had performed a number of feats of juggling with checks and notes, which the defence could not explain. Professor Webster told Doctor Parkman's agent that he had "settled" with Doctor Parkman; as, indeed, he had, but not in the manner in which the agent was intended

to understand the phrase. Fragments of false teeth were found in the furnace, and in addition to what had been discovered in the vault, other larger parts of a human body in a tea chest filled with tanbark. And Webster had had a quantity of tanbark brought in from Cambridge, during the week, by Sawin the expressman—name familiar to generations of Harvard students.

Prisoners, at that period, were not allowed to testify, but Professor Webster's counsel entered for him a complete denial. They raised doubts whether the pieces of a human frame were those of Doctor Parkman, and suggested that, even if this were true, the fragments had been placed there by some person, unknown to Professor Webster, and perhaps in order to incriminate him. The tendency of the defence was to suggest the possible guilt of Littlefield. They tried to show, by witnesses, that Doctor Parkman had been seen later on that Friday, and in other parts of the city. Two or three witnesses appeared; some of them were mistaken as to the date, and others mistook a man of similar appearance for the Doctor.

Despite the strong net of circumstantial evidence closing around Professor Webster, the whole case for the State hinged on the proof of the identity of the remains, and in the final analysis this rested upon the evidence about the false teeth. When Doctor Nathan Keep, a friend of both men, who had made the teeth for Doctor Parkman, gave his positive evidence, and proved its correctness by fitting the mould, still in his possession, to the fragments found in the furnace, he burst into tears, as he realized that his testimony would hang the prisoner.

A large number of Professor Webster's neighbours, friends, and colleagues appeared in his behalf, and testified as to his good character. He was nearly sixty years of age, and since he was generally respected, even

if not very well liked, it was difficult for the jury to believe him guilty of the offence. One of his character witnesses was Jared Sparks, president of Harvard. Oliver Wendell Holmes had testified for the State; he had been lecturing on anatomy in the room above Doctor Webster's at the time of the meeting with Doctor Parkman. Professor Webster was allowed to make a statement to the jury, and was so unwise as to accept the opportunity. He spoke for about fifteen minutes, criticizing his own counsel, and referring to details of the case brought against him. Chief Justice Shaw's charge to the jury is a celebrated address; parts of it, especially those relating to the nature and value of circumstantial evidence, are quoted in courts to-day. The case against Professor Webster was purely one of circumstantial evidence; nobody had seen the two men together at the time of the murder.

On the evening of the eleventh day of the trial, the jury went out for three hours and came in about midnight with a verdict of "guilty."

Professor Webster was sentenced to death, but the usual appeals were made in his behalf. When the application for a writ of error was dismissed, the Professor addressed the Governor and Council, and in the most solemn language, protested his innocence. He used such remarkable phrases as these:

"To Him who seeth in secret, and before Whom I may ere long be called to appear, would I appeal for the truth of what I now declare . . ." and "Repeating in the most solemn and positive manner, and under the fullest sense of my responsibility as a man and as a Christian, that I am wholly innocent of this charge, to the truth of which the Searcher of all hearts is a witness. . . ."

Some weeks later, this address was withdrawn, and the wretched man made a long confession, maintaining

that the murder was not premeditated. Professor Webster described his call on the doctor on the Friday morning, and their appointment to meet that afternoon, at the College. He then wrote:

He came, accordingly, between half-past one and two. He came in at the lecture-room door. I was engaged in removing some glasses from my lecture-room table into the room in the rear, called the upper laboratory. He came rapidly down the steps and followed me into the laboratory. He immediately addressed me with great energy.

"Are you ready for me, sir? Have you got the money?"

I replied:

"No, Doctor Parkman," and was then beginning to state my condition and make my appeal to him. He would not listen to me, but interrupted me with much vehemence. He called me "scoundrel" and "liar," and went on heaping upon me the most bitter taunts and opprobrious epithets. While he was talking, he drew a handful of papers from his pocket, and took from among them my two notes, and also an old letter from Doctor Hosack, written many years ago, and congratulating him (Doctor P.) on his success in getting me appointed professor of chemistry.

"You see," he said, "I got you into your office, and now I will get you out of it."

He put back into his pocket all the papers, except the letter and the notes. I cannot tell how long the torrent of threats and invectives continued, and I can now recall to memory but a small portion of what he said.

At first I kept interposing, trying to pacify him, so that I might obtain the object for which I had sought the interview. But I could not stop him, and soon my own temper was up. I forgot everything. I felt nothing but the sting of his words. I was excited to the highest degree of passion; and while he was speaking and gesticulating in the most violent and menacing manner, thrusting the letter and his fist into my face, in my fury I seized whatever thing was handiest—it was a stick of wood—and dealt him an instantaneous blow with all the force that passion could give

it. I did not know, nor think, nor care where I should hit him, nor how hard, nor what the effect would be. It was on the side of his head, and there was nothing to break the force of the blow. He fell instantly upon the pavement. There was no second blow. He did not move. I stooped down over him, and he seemed to be lifeless. Blood flowed from his mouth, and I got a sponge and wiped it away. I got some ammonia and applied it to his nose; but without effect.

Perhaps I spent ten minutes in attempts to resuscitate him; but I found that he was absolutely dead. In my horror and consternation I ran instinctively to the doors and bolted them—the doors of the lecture room and of the laboratory below. And then, what was I to do?

It never occurred to me to go out and declare what had been done and obtain assistance. I saw nothing but the alternative of a successful removal and concealment of the body, on the one hand, and of infamy and destruction on the other. The first thing I did, as soon as I could do anything, was to drag the body into the private room adjoining. There I took off the clothes, and began putting them into the fire which was burning in the upper laboratory. They were all consumed there that afternoon—with papers, pocketbook, or whatever else they may have contained. I did not examine the pockets, nor remove anything except the watch. I saw that, or the chain of it, hanging out; and I took it and threw it over the bridge as I went to Cambridge.

My next move was to get the body into the sink which stands in the small private room. By setting the body partially erect against the corner, and getting up into the sink myself, I succeeded in drawing it up. There it was entirely dismembered. It was quickly done, as a work of terrible and desperate necessity. The only instrument used was the knife found by the officers in the tea chest, and which I kept for cutting corks. I made no use of the Turkish knife, as it was called at the trial. . . .

While dismembering the body, a stream of [water] was running through the sink, carrying off the blood in a pipe

that passed down through the lower laboratory. There must have been a leak in the pipe, for the ceiling below was stained immediately round it.

Professor Webster made a long and plausible appeal for commutation of sentence, basing his claim, not only on the assertion—quite possibly correct—that the blow had been struck in a momentary fit of anger,* but upon his argument that every act of his own showed there had been no premeditation. His call in the morning to make an appointment, so he declared, would have been an insane act if he had planned to kill Doctor Parkman.

The Governor, however, could not admit that the prisoner's word was entitled to credit, nor did his pastor, or some of his friends, venture to suggest that he could be believed. Professor Webster was hanged on the last Friday in August, 1850. He was calm and apparently resigned. He had apologized humbly to Littlefield for the attempts to throw suspicion upon him, and he wrote a letter, in a spirit of deep contrition, to the Reverend Doctor Parkman, to make what peace he could with the family he had wronged.

Was it a coldly premeditated murder, or can it be considered manslaughter, done in a sudden passion and under provocation? The question about the vault, the attempt to get the blood, and, perhaps, the appointment with Parkman at the College point to a plan. On the other hand, he gave more or less plausible explanations of all these things, and the absurdity of any hope to make away with such a man as Doctor Parkman, and conceal the crime, is so great as to cast doubts upon the theory of premeditation. The question seems to me impossible to answer.

* Professor Peabody, in the book already quoted, expresses his firm belief that this was true. Many persons have always held the same opinion.

The murder shows these things clearly: that a hitherto highly respectable person may commit a crime of this nature; that he may solemnly lie in the name of God, to escape punishment; and that a just conviction may be had upon circumstantial evidence. Even after the trial there were many who were unconvinced of the Professor's guilt, and A. Oakey Hall, afterward Mayor of New York, was one of those who wrote pamphlets to protest against the conviction. Mr. Hall was very severe upon what he denounced as the result of "Puritan bigotry" and "Bostonian snobbishness," but what course he took after the prisoner had confessed does not appear at this date.

The Webster-Parkman case has hardly been displaced as America's most celebrated murder, and the one which lives longest in books of reminiscences. It will be recalled that Artemus Ward's show had "wax figgers" of "Doctor Webster in the act of killin' Doctor Parkman." Few writers of the time failed to mention the murder. Of the anecdotes which are told about it, the story related by Longfellow is perhaps the most remarkable. This was told at a dinner given to Charles Dickens, during his visit in 1869. Dickens, during the day, had visited the scene of the murder, with Doctor Holmes. A year or two before the murder, Longfellow had been one of the guests at a men's dinner at Professor Webster's, to meet a foreign visitor, interested in science. Toward the end of the evening, the Professor had the lights in the room lowered and a servant bring in a bowl of burning chemicals, which shed a ghastly glow upon the faces of the men about the table. Professor Webster rose, and producing a rope, cast it around his own neck like a noose. He then leaned over the hell fires which came from the bowl, lolled his head upon one side, and protruded his tongue in the manner of a man who had been hanged!

After the execution, it is said that the Webster family removed to Fayal, where a married daughter lived. Some years later, at a dinner party, there was a glib guest who had not caught the names of some of the Websters who were present, but merely knew that they had come from Boston. In order to make himself agreeable, he suddenly remarked:

"Oh, by the way, what ever became of that Professor Webster who killed Doctor Parkman? Did they hang him?"

Another similarly gentle yarn is of a later date. Benjamin Butler was cross-examining a witness in Court, and treating him, so the Judge thought, with unnecessary brusqueness. He reminded the lawyer that the witness was a Harvard professor.

"Yes, I know, your Honour. We hanged one of them the other day!"

But Ben Butler always had a sinful dislike of Harvard. They had refused to give him an LL.D.

IV

The People *versus* Molineux; or, *Two Tragedies and a Farce*

"The Gay 'Nineties," so the comic artists would have us believe, was a quaint period, remembered only by elderly dodoes. By the simple method of suppressing or distorting evidence, it can be shown, to the satisfaction of any clever satirist, that everything was stuffy and ludicrous which happened more than ten years ago, and that the world only began to be honest and clear-sighted within the memory of those arbiters of taste, the youth and maiden of fifteen. These masters of irony believe that there is ever so much more personal liberty now, than in the year, say, of the war with Spain. And they prove it by showing how funny were the hats, how long the skirts, how big the sleeves worn by women; and how like sea gulls were the men's moustaches.

In the flower of that age, in the year '98, the Knickerbocker Athletic Club, of New York, stood and apparently prospered at the corner of Madison Avenue and Forty-fifth Street. It was described, by the hopeful newspapers of St. Augustine or Tacoma, as an "exclusive" organization. Actually, it occupied a big house, and had a large membership which was presumably devoted to athletics, outdoors and in. It had its share

of the usual troubles of clubs: some internal squabbles of no great importance. The cloud which was rising upon its horizon was as small as a man's hand, and it was very like a weasel.

The one disturbing event at the Knickerbocker Athletic Club, in the autumn of '98, was the death, in his rooms at the Club, of a member of the house committee—Mr. H. C. Barnet, a plump gentleman only a year or two over thirty. He was ill for a week or more, but his death seems to have puzzled the doctors a little. He had symptoms like those of diphtheria; he left his bed too soon, they said, and his heart failed him. There was a funeral at the Church of the Ascension, and Mr. Barnet's body was buried in a Long Island cemetery. The mysterious enemy of the Knickerbocker Athletic Club had scored a hit; he waited six weeks before he tried again.

On Christmas Eve, although nobody understood the fact, the Club received what any proper writer of thrillers would call its death blow. The postman brought to the house a small package—possibly the most troublesome and notorious little object ever carried by the United States Mail. It had not come far; only from the General Post Office in New York. It was delicately anonymous, and it was addressed to Mr. Harry Cornish, the athletic director of the Club. With pleasant anticipations of a Christmas gift, Mr. Cornish opened the box: there was a silver bottle holder, and a small blue bottle of Bromo-Seltzer. The waggish humour of sending a man Bromo-Seltzer, on the day before Christmas, has vanished, like the Gay 'Nineties. It was a way of saying, "Here, old fellow, I know you're going to have an awful head the morning after. Try this pick-me-up."

Mr. Cornish looked at his present; it seemed to be the usual commercial bottle of the powder, and the

cork was sealed with the customary paraffin. A small envelope was included; the envelope intended for the sender's visiting card. But the card had been omitted—as though carelessly forgotten, or to indicate some benefactor too modest to let his generosity be known. If the New York police and detective force had been reading De Quincey that evening, they could well have underlined the words: "Fie on these dealers in poison . . . can they not keep to the old honest way of cutting throats?" The friends of Mr. Cornish jested with him about his gift; he pondered a little, and retrieved from the waste basket that part of the wrapper which bore the address. He went to his uptown home for Christmas; an apartment where he boarded with a relative, an elderly lady named Mrs. Katharine Adams, and her married daughter. And the bottle holder and the bottle remained in his desk at the Club.

The day after Christmas, Mr. Cornish was again at his office, but like a good athletic director, he had no need for Bromo-Seltzer. A group of club members gathered about him, and again the talk drifted to the anonymous gift. It was a holiday on the Stock Exchange, and in the bosom of one of these gentlemen—Mr. Harry King, a broker—there was much peace. He remarked, however, that he thought he would try a dose of the stuff, and picking up the blue bottle from the desk, sauntered toward the water-cooler. If he had listened carefully, I think he would have heard the soft rustling of wings: it was a moment of intense activity for Mr. King's guardian angel. We may imagine the broker, humming to himself as he approached the water-cooler; he took a glass and opened the tap—but no water came. Perhaps he shook and tilted the cooler. No water. Then, probably—most of us would have done it—he cursed the house committee and asked what kind of a place this was, anyhow. He did not seek water

elsewhere, nor persist in his medicinal intentions, but returned the Bromo-Seltzer to Mr. Cornish. If, a few days later, Mr. Harry King did not mentally retract his comments on the house committee, and burn a candle, or pour a libation, to whatever gods he worshipped, his was a black ingratitude.

A day or two later, Mr. Cornish took the bottle home; he had already told the ladies of his household about it, and they had joked with him upon his supposed feminine admirer. Three days after Christmas, Mrs. Adams rose in the morning with a violent headache, and since Bromo-Seltzer was then a popular remedy, as much for the sober as for the bibulous, the thoughts of this trustful family turned to the little blue vial. Mrs. Adams's daughter asked Mr. Cornish to prepare a dose of the powder; together they mixed it in a glass of water, and the older lady drank most of it, remarking that it tasted bitter. Cornish took a sip, and said it seemed right enough to him. In a few minutes, Mrs. Adams was violently sick, and in agony, calling for help. Mr. Cornish started to go to her, but fell on his knees as he rose from the chair. He was extremely sick, but after doing what he could to help the daughter to care for her mother, ran outdoors for a doctor. In less than thirty minutes, a doctor was there, but Mrs. Adams died shortly after his arrival.

Mr. Cornish, some hours later, went down to his office but, on the way, suffered excruciatingly, and was in bed at the Club for a number of days. He passed through torments, and at one time was hardly expected to live. The Bromo-Seltzer, it appeared upon analysis, had been mixed with cyanide of mercury—an especially deadly and rather inaccessible poison. The doctor who was called to Mrs. Adams was made sick by tasting a grain of the powder. Another physician who attended Cornish at the Club, observed that his symptoms were

like those in another case in which he had been called at the same place: the illness of Mr. Barnet in November. He began to remember, too, that he had said something about a bottle of medicine which he had received by mail.

The day after Mrs. Adams's death, a newspaper printed a so-called facsimile of the "poison label"—the address on Mr. Cornish's gift. However it was made, it was not an exact copy of the writing on that paper, but it certainly bore a very strong resemblance to it. This newspaper came to the notice of Mr. John D. Adams, secretary of the Club, and of the superintendent, André Bustanoby. The writing seemed familiar to both of them; and after a search of the correspondence files, they found some letters which interested them very much. These they took to the sick-bed of Mr. Cornish, and with the signatures concealed, let him see them, together with the facsimile, and asked how the matter impressed him. Apparently he took it seriously, for after being allowed to read the signatures, he called up the police, and communicated to them a name which he thought they should know, that of a former member and officer of the Club, Mr. Roland Molineux.

The police did not seem to get excited about the matter, even when the New York *Journal* printed an article headed "Police Want Roland B. Molineux." Early the next morning after the article appeared, and certainly in the manner of a good citizen, without fear of reproach, Mr. Molineux, accompanied by his father and another man, went to a police station, and said, in effect, "Here I am, gentlemen!" The polite official smiled at the notion that the police wanted Mr. Molineux, or that, if they had wanted him, they would not have secured him, days ago. With compliments, the interview ended. But the newspapers and the detective

force were interested in Mr. Molineux; they continued to study his career for weeks, and finally discovered facts which led to grave suspicions against him.

His was a good family, and his father, a brigadier of the Civil War, never lost in the distressing years which followed the general respect and sympathy. Mr. Molineux was about thirty years old; he certainly had had quarrels with Cornish, and his own resignation from the Club was a result of his failure to get the athletic director removed. On that occasion they had met in the clubhouse, and Mr. Cornish had applied to Mr. Molineux one of the two or three insulting phrases which the English language still possessed—one of the terms to which there was, in the 'Nineties, no adequate reply but a blow of the fist. Our speech has always been poor in these effective insults, as compared with the Oriental and Latin tongues. Now, it has none left whatever, thanks to the writers of plays or of books, who have had these words shouted out in the theatre so often, or printed so many times in their novels, that they are now no more than terms of endearment. Persons who believe that the art of literature consists merely in baiting the Puritans, and disturbing Queen Victoria in her grave, feel that this is a great triumph for something or other.

I do not gather that Mr. Molineux replied by word or blow; he was courteous in manner, and, I think, rather soft-spoken. The police alleged that there were also quarrels with Mr. Barnet—or, at least, a cause for hatred. Someone had desired that both men should go down through torments to the grave; when Mr. Barnet's body was exhumed, it contained cyanide of mercury. This, and the disclosures of the inquest upon Mrs. Adams, caused the arrest of Molineux, but not until late in February.

Arrest him they could, but indict him they could

not, for the Grand Jury threw out the bill. He was released and rearrested, and finally, in July, a Grand Jury did indict him. The trial began in November, 1899, and it would be depressing to think that American criminal justice ever appeared more futile, or more wasteful of time and money, than in the proceedings of the next three years. The State of New York spent $200,000, and General Molineux, who ruined himself financially in his son's defence, is said to have spent as much more. It was a far-reaching scandal, of the kind which many persons like to think is typical of New York life. The reputations of half a dozen men and women were dragged in the mire, to no useful purpose whatever. Rumours never flew about so thick, not even in the Thaw case. All who remember the Molineux trial will recall a number of yarns which I do not mention—simply because they are nothing but gossip which cannot be verified. In a body of evidence, extraordinary for its detail and its complications, the Government were able to bring a proof of guilt very close indeed to the defendant, and for the time being to establish their case. If he were innocent (and it is now contrary to legal etiquette to suggest that he was guilty) he was, like his sister in misfortune, Mrs. Maybrick, one of the unluckiest mortals who ever lived.

The Anglo-Saxon countries have always professed a horror of poisoning. De Quincey's distaste for this method of murder has already been mentioned here. Yet neither English nor Americans may plume themselves overmuch on their freedom from this secret, spiteful, and rather effeminate method of destroying one's enemy. It has very naturally been employed by doctors and nurses—probably more often than we realize. Frequently, it is the favourite method of women, or of men who are rather quiet, smooth-spoken, and feline in their dispositions. Yet Palmer, the greatest

of the English poisoners, was a jovial and hearty rural physician, an owner of race horses, a devotee of the track, and a deep drinker at taverns.

In America, the Rev. Mr. Richeson, who administered cyanide of potassium to his victim, under the pretence that it was something else, was but following in the footsteps of George C. Hersey of Weymouth, who in 1860 used strychnine in almost the same manner. Jones, the valet of Mr. Rice, acting at the instigation of Patrick the lawyer, had recourse to chloroform. I do not know what Mrs. Whiteling of Pennsylvania used to kill her husband and her two small children, for the sake of three or four hundred dollars of life insurance. Probably it was arsenic, the favourite poison of the ignorant and unimaginative. Sarah Jane Robinson disposed of at least six persons by means of arsenic, and was at last shut up in prison, where she spent the rest of her days in professions of piety. Exactly how many persons were poisoned by the nurse, Jane Toppan, has never been made clear. At least four of her patients died within forty-eight days—and she is believed to have prepared the draught that sent them out of this life.

Although a year had elapsed since the death of Mr. Barnet, and nearly as long since Mrs. Adams had been killed, there was still a strong feeling of indignation. It did not show itself, however, in any indecent haste in the ceremonies of the trial of Mr. Molineux. Recorder Goff presided. For the People appeared James W. Osborne, Esq., assistant district attorney, and two aids. For the prisoner, Messrs. Bartow Weeks and George Gordon Battle. One is puzzled to account for the national belief that we are a businesslike people, admiring directness, common sense, and efficiency, when one learns that twelve days were used up in getting a jury.

Five hundred and four talesmen were examined before twelve jurymen could be found. Since a jury exactly as wise and impartial would have been chosen, in almost any other country in the world, in two or three hours, the natural conclusion is that we would rather have long-winded argument and trivial obstructions to the administration of justice than justice itself. If public opinion really condemned this waste of time and of public money, it would cease.

The strong point for the prosecution lay in the evidence which was produced to show that the address of the package sent to Cornish was in the handwriting of Molineux. Fourteen handwriting experts, five of whom were bank employees, and were perhaps as impressive as any, agreed that the address on the bottle of Bromo-Seltzer was written by the prisoner. His occupation was also interesting. He was Superintendent in the factory of Morris Hermann in Newark, makers of colours. He had been a chemist; and in his present position he had access to prussian blue, from which cyanide of mercury is made.

His difficulties with Mr. Cornish had begun as early as 1896. In 1897, Cornish had told one Hughes that Molineux had been a "rum seller"—a possibly irritating remark which the obliging Hughes repeated to Molineux. The more serious quarrel, which arose from a variety of circumstances within the Club, including the management of an "amateur circus," was notorious among the members. This had seemed to end when Mr. Molineux made it an issue with the committee: "Discharge Cornish, or lose me." The committee chose to keep Mr. Cornish, and that gentleman, on meeting his foe, applied to him the provocative epithet.

The silver bottle holder, which contained the vial of Bromo-Seltzer, was shown to have been purchased in Newark, near Mr. Molineux's place of business. But

—and here was one of the puzzling details—it was not bought by him in person. The package had been mailed at the General Post Office in New York at an hour when it was usual for Molineux to reach the city as he returned from Newark.

There was romantic and interesting testimony regarding some blue writing paper, with a crest of three silver crescents, entwined. Mr. Molineux was said to have used some of this paper; it was on sale at only three places—one of them in Newark. A young lady named Mamie Melando reluctantly testified at great length about this paper; she had seen some of it in the prisoner's office. She was in no doubt about it, as she had used a sheet or two of it from his desk. On paper of exactly this kind somebody had written for a bottle of Kutnow's powder, in which the poison had been sent to Barnet. The name signed to this letter was that of Mr. Cornish, but the hand, so said the prosecution, was the hand of Molineux.

This detail, apparently out of a detective story, may have done a little to enliven the monotonous proceedings, as the long days and months of the trial went by. One sound was never still: the voice of the counsel for the defence, Mr. Weeks, saying "I object," followed by the voice of Judge Goff, replying "Overruled"; and the retort of Mr. Weeks, taking exception. Mr. Weeks objected to everything from start to finish, and professionally he may, perhaps, be considered as justified by the outcome. But it seemed that he would object if it was remarked that Christmas came on December 25th.

There appeared to testify for the State the proprietors of shops—one at 257 West Forty-second Street, and one at 1620 Broadway—where private letter boxes were maintained for the receipt of mail. These men testified that Mr. Molineux had come and taken a box in the name of either Barnet or Cornish! Nicholas Heckman,

under careful questioning by the Court, solemnly reiterated his statement that Molineux, on May 27, 1898, had taken such a box under the name of H. C. Barnet. The other man, named Koch, testified that Molineux had made inquiries about a box, but when it was rented, on December 21, 1898, the man who took it was not the prisoner. Whoever it was signed "H. Cornish."

Through these addresses, and under these names, the prisoner had carried on a queer correspondence. He was always—it was known to his friends—a letter-writing person, given to dispatching many notes and missives. But the correspondence which was conducted through these letter boxes was not at all of a kind to please the owners of the names which were signed. Chiefly it was to dealers in certain quack remedies, asking for medicines and advice. The physical description of the patient, furnished in one of these letters, was alleged to apply to Mr. Molineux, himself, and not at all to Mr. Cornish, whose name he signed.

The feud with Mr. Barnet, if one had existed, was traced to their acquaintance with a Miss Blanche Cheeseborough, to whom the defendant had presented Mr. Barnet at the Metropolitan Opera House, in the autumn of 1897. They became, so it was asserted, rivals for her love. When Mr. Barnet lay on his deathbed at the Club, Miss Cheeseborough and the prisoner sent him flowers. Nineteen days after the death of Barnet, and midway between that event and the attempt to murder Cornish, Miss Cheeseborough and Mr. Molineux were married—at the Church of the Heavenly Rest. The indictment against Molineux was for causing the death of Mrs. Adams, and attempting the life of Mr. Cornish. Evidence as to the death of Mr. Barnet was introduced over the most determined opposition by the defence. It will be safe, I think, to estimate that

Mr. Weeks remarked "I object" at least ten thousand times during the three months of the trial, and that he uttered that tongue-twister about irrelevance, incompetence, and immateriality nearly as often.

The defence surprised everybody by putting in no evidence. The jury took about eight hours to deliberate, and on February 10, 1900, found the prisoner guilty as charged. Lawyers were rather surprised at the result, although a legal paper—the *Albany Law Journal*—did not hesitate to say that "There seems to have been a consensus of opinion that the right man had been indicted."

Mr. Molineux spent the next year and a half in the "death house" at Sing Sing—an experience which afterward resulted in a book signed by him, and called "The Room with the Little Door." The author of this collection of prison sketches had a bitterly realistic style not unlike that of Ambrose Bierce. Mr. Molineux is said, I do not know how truly, to have had literary ancestry. I wonder if he had ever seen Oscar Wilde's essay, "Pen, Pencil, and Poison."

The snails of the law were moving, however, and in October, 1901, the Court of Appeals, in a celebrated opinion, reversed the verdict, and ordered a new trial. This was done chiefly because of the evidence about Barnet and his communications to the doctors about the bottle of Kutnow's powder. This decision is generally applauded, I believe, by American lawyers, and any criticism of it would be smiled down. The fact that it may bring about a miscarriage of justice seems especially to endear it to many minds. It is possibly doubtful whether it would hold in most foreign courts, so it represents not so much any eternal principle of right, as what in America is considered expedient.

Almost four years after the murders, the second

trial began, and everything from beginning to end gave a beautiful illustration of the effects of a change in public sentiment, due to no change in facts, but merely to the passage of time, and weariness of the public with the entire subject. Mrs. Adams and Mr. Barnet were long dead, and forgotten. The man in the street inquired, Who were they, anyhow? And this bright young fellow, Molineux, who was making such a brave "fight" for his life—why should he be persecuted any longer? What had he done, that all these district attorneys, detectives, and jailers should be hounding him into the electric chair? He had a fine, dignified, gray-haired father, too—a gallant soldier of the Union. (So he had; although, as Mr. Weeks might have remarked, that was irrelevant, incompetent, and immaterial.)

All now turned in favour of the accused man. Ex-Governor Black, for the defence, swept all before him. So weary was the public, that the newspapers reported the trial but little. Nothing was now permitted as to the death of Mr. Barnet. Mr. Black made an attack on Mr. Cornish, and openly charged him with the murder. I do not understand the interpretation of legal ethics which allowed this, nor does the idea seem to me anything but preposterous that Cornish should have all but killed himself while committing a murder which could have had no motive at all. It was almost on a level with Louis Wagner's contention that the murders at the Shoals were the work of Maren Hontvet.

The defendant testified in his own behalf at this trial. On the whole, he made a good witness. The district attorney expressed his astonishment that Mr. Molineux should have been so precocious as to have been named as co-respondent in a divorce suit at the age of fifteen. A Columbia professor, Mr. Vulte, now appeared, and gave evidence to show that the prisoner

could not have been at the Post Office when the package was mailed. He was far up town, with the professor. Where Mr. Vulte was when he was so badly wanted at the first trial, I have not learned.

Better than this was the appearance of a stock character in murder trials: the Marvellous Female Witness, with some sorely needed testimony. She had been at the Post Office on that afternoon, four years earlier, and seen a man—*not* Mr. Molineux—mailing a package. She read part of the address, and saw the words "Mr Harry Cornish" and "Knickerbocker." Her own husband did not think much of this evidence, but Molineux's lawyers were not so ungallant. They esteemed it highly. This lady, the victim of honest error or psychological suggestion, is for ever being reincarnated: in 1850, at the trial of Professor Webster, she testified that she saw Doctor Parkman walking the streets hours after that gentleman's cadaver had been dissected in the Medical College. She appeared in the Nathan case in 1870, and after the Hall-Mills murder in 1922.

The jury acquitted Mr. Molineux in four minutes, and the newspapers all applauded. This was in November, 1902. Mr. Molineux had a literary career, after his distressing experiences in law courts and prisons. He had stepped out of Sing Sing as merry as a grig. He became the author of more than one book, and his biography was printed in "Who's Who in America," with the remark that from 1898 to 1902 he was "out of employment." His first wife divorced him, after his acquittal, and he was married some years later to a lady who had assisted him in his writing for the stage. Shortly after the production by Mr. Belasco of his play, "The Man Inside" (which dealt with the reformation of a criminal), he suffered a nervous breakdown and was committed to the State Hospital for the Insane at

King's Park. Four years later, in 1917, he died there at the age of fifty-one.

Besides his first book, on life in the cell for the condemned, he is said to have written "Death Chamber Stories" and "Tales of the Tombs." I suspect that these may be uncollected newspaper sketches. There is no doubt, however, about his novel, "Vice Admiral of the Blue"—a story of Nelson, Lady Hamilton, and all the famous personages of their day. It is as highly romantic as "The Room with the Little Door" is sombre and austere.

The Knickerbocker Athletic Club languished for a few years, and languishing did die. The little blue bottle of Bromo-Seltzer was its cup of hemlock. On its site stands the tall building of the Equitable Trust Company—but the Club revives, now and then, in the gossip of those old, old men who can remember the autumn when Roosevelt was elected Governor, and the later one when Dewey came sailing home from Manila.

V

Three Footnotes to De Quincy

Are you familiar with De Quincey's masterpiece on 'Murder as a Fine Art,' Mr. Raffles?"

Lord Thornaby, of the "Criminologists' Club," was speaking to Mr. Hornung's famous burglar.

"I believe I once read it," replied Raffles doubtfully.

"You must read it again," pursued the earl. "It is the last word on a great subject; all we can hope to add is some baleful illustration or bloodstained footnote, not unworthy of De Quincey's text."

It is true that De Quincey, in the two papers and the postscript combined under one title—which is never correctly quoted, by Lord Thornaby, nor any one—has laid down, for all time, the requirements for an interesting murder. Yet his Society of Connoisseurs in Murder had spread before them, for consideration, crimes most barbarous and horrible, with little to recommend them to men of taste. The shocking slaughter of an entire family in London, by a man armed with a mallet, has been exalted into one of the great murders of history, because it has been described in De Quincey's matchless style. It is a tremendous nocturnal tragedy; a majestic tale of terror. Yet had De Quincey lived to relate, and had his fellow Connoisseur, Toad-in-the-hole, been spared to read of the more subtle

performances of some Londoners of a later period, their proceedings would have been enlivened, and Toad-in-the-hole might find further cause for calling the club together for dinner. Again he might say:

"Why, now, here's something like a murder!—this is the real thing. This is genuine—this is what you can approve, can recommend to a friend. . . ."

The three practitioners—to use De Quincey's word—whose stories are given herewith, all rose to fame in or near London. One was an Englishman, one a Scot, and one an American. And for sheer ingenuity, the Englishman leads them all. Let us begin, however, with the Scot.

Doctor Cream

On a night in October, 1891, a man standing near a public house, in Waterloo Road, London, had his attention attracted by the actions of a girl on the other side of the street. She had been leaning against a wall; suddenly she fell to the ground, flat on her face. In that neighbourhood this was not especially strange, but her observer was a kind-hearted person. He ran across the street, helped her up, and having inquired her address, assisted her to walk home. She was in great distress, but able to say that "a tall gentleman," whom she further described, had given her to drink twice "out of a bottle with white stuff in it." She was only nineteen; her name, Ellen Donworth; and she belonged to that great army of women who have been pathetically described by almost every English man of letters since De Quincey.

She soon began to suffer frightful convulsions, and although a doctor ordered her removal to a hospital, she died on the way thither. A post-mortem proved

poisoning by strychnine. The tragedy caused a great sensation in the neighbourhood, and was called the "Lambeth mystery." Nothing more came to light, however, except the receipt of two peculiar letters. One of these, addressed to the coroner, and signed "A. O'Brien, detective," offered to reveal the murderer in return for the trifling consideration of £300,000! The other, sent to W. H. Smith & Son in the Strand, accused one of the firm of the crime, but offered to save him if the writer, "H. Bayne," should be retained as a barrister. The Messrs. Smith were further advised to paste a paper in their office window as a sign of acceptance. By request of the police, they put up the paper, but Mr. Bayne was coy.

Exactly one week after the murder of Ellen Donworth, people in a house on Lambeth Road were wakened at three in the morning by the screams of a woman. They went to her room, and found her lying across the bed, evidently in great agony. She was a prostitute, a woman of twenty-seven, named Matilda Clover. Earlier in the night she had received in her room a man whom she called "Fred." A servant in the house, named Lucy Rose, had seen him arrive, but in the dimly lighted hall got only a glimpse of his tall figure, covered with a cape overcoat, and wearing a high silk hat. Later, she had heard him depart. Clover's torments were appalling, but in an interval of relief she told Lucy Rose that she had been poisoned by some pills given to her by "that man Fred." She died, after hours of terrible suffering, and the doctor, by some carelessness, certified that the cause of death was alcoholism.

Late the next month, the distinguished physician, Doctor Broadbent of Portman Square, received an extraordinary letter, signed "M. Malone." In it, the doctor was accused of murdering Matilda Clover with

strychnine, and threatened with exposure unless he paid over £2,500. He was told, by the writer, to put a "personal" in the *Daily Chronicle* to signify his willingness to pay the blackmail; and, upon police advice, the advertisement was printed, and the trap laid. "M. Malone" was invited to call at Doctor Broadbent's house, where two detectives eagerly awaited him. As in the case of the Smiths, however, no attempt was made to follow up the letter. In December, the Countess Russell, at the Savoy Hotel, received a letter in which Lord Russell was accused of the murder of Clover.

After these events, and as in the case of Jack the Ripper, there was an interval of a few months, followed in April by a still greater tragedy. It was enacted, as usual, in a dismal neighbourhood, and in the black hours of night. A police constable walking his beat near the Waterloo Road, at about two in the morning, witnessed the not unusual sight of a man being let out of a house by a young girl. He recognized the latter as one Emma Shrivell, aged about eighteen; and in the light of the street lamp he not only observed that the man was wearing a tall hat, but caught the gleam of eye glasses. Less than an hour later, the house was aroused by shrieks from the Shrivell girl, and from her companion, Alice Marsh. Both were in the tetanic convulsions of strychnine poisoning. They told their landlady that they had been entertaining at supper a man known to them as "Fred"; he represented himself as a doctor. Before leaving he gave to each girl three "long, thin pills"—that is, capsules, a novelty at that time in England. For some reason the poor creatures obediently swallowed the capsules, and after diabolical tortures descended into the grave. Alice Marsh died in the cab on the way to the hospital; Shrivell endured her sufferings for five hours, and died at eight o'clock.

It was now apparent to the police that they had in London the problem of a systematic murderer; one who operated by poison; and among women to whom any man could have access at any time. An order was issued for the exhumation of the body of Matilda Clover—fourteen coffins had to be moved to reach hers—and an autopsy revealed that she also had died from strychnine. Before long it came to light that many other women had met and talked with the strange man. One of them, called Lou Harvey, afterward wrote a letter to the magistrate describing her curious adventures. She had met the man thrice; the second time was by appointment on the Thames Embankment, where he brought her some pills which he said would improve her complexion. She was suspicious, however, and pretended to take the pills, but actually dropped them on the ground. Meeting her again a month later, he was apparently surprised and disconcerted to find her alive, and quickly walked away.

Another girl upon whom he called used the romantic name of Violet Beverley. To her he offered what he called "an American drink"—a term which, in the British Isles, has always been practically synonymous with hell-broth. This is not unreasonable when one remembers the perversions of the cocktail which used to be offered at "American" bars in London and Paris. Miss Beverley was wise and patriotic, and preferred home brews. As a matter of fact, clues to the murderer's detection were becoming numerous—and they were all furnished by the man himself. He was moving about the dark streets of London, grotesque in his high hat and sober professional clothes, but venomous as a puff-adder. It is not unlikely that he formed part of the composite portrait drawn by Mrs. Belloc-Lowndes in her extraordinarily able novel, "The Lodger." The

costume, the Bible-reading, and other peculiarities of the Lodger suggest this idea.

In May, Sergeant McIntyre of Scotland Yard made the acquaintance, by accident, of one Doctor Neill. The officer was introduced to the physician by Mr. Armstead, a photographer. Doctor Neill was much annoyed, he said; policemen were following him, suspecting him, and injuring his business. They had even tried to associate him with the deaths of the Marsh and Shrivell girls, when the truth was—said Doctor Neill—that the real culprit was a Doctor Harper. (No official whatsoever had suspected, accused, or followed Doctor Neill.) He had a letter, which had been received by the girls before their deaths, in which they were warned against Doctor Harper, lest he serve them as he had done Matilda Clover and Lou Harvey! This was the first which had been heard of Lou Harvey, and when she was hunted up, she was found alive and well, and able to give some interesting information about Doctor Neill. Other odd events followed, until, early in June, Doctor Neill was arrested for blackmail. Next month, the charge was altered to murder, and in October he came to his trial at the Old Bailey, at the time the District Attorney of Bristol County, Massachusetts, was puzzling himself over the problem of who murdered Mr. and Mrs. Borden of Fall River.

Thomas Neill Cream, to give the doctor his full baptismal style, may not be the most amazing creature in the history of criminology, but he was either runner up or in the first group. His career affords some illustration of a saying I once heard (I wish I could trace its source) to the effect that society is at the mercy of a murderer who is remorseless, who takes no accomplices, and who keeps his head. In the last requirement, Neill Cream failed notably: instead, he worked hard to give himself away.

At the time of his arrest he was forty-two years old. Some British writers have described him as "the American doctor." There is often a marked tendency, outside this country, to be hazy about the birthplace or political allegiance of such Americans as Sargent, Whistler, and Edwin Abbey—and this is natural. The English journalist, to do him justice, usually awards us Doctor Crippen, but he errs on the side of generosity when he also attributes Doctor Neill Cream to America. A failure of American penal methods did play such a part in the Doctor's adventures, however, that we cannot complain with much vigour.

Cream was born in Glasgow, and his first association with the American continent was when he was four or five. His family, who seem to have been perfectly decent, emigrated to Canada, where, twenty years later, the young man took his degree of doctor of medicine, with merit, at McGill University. He further pursued the study of medicine in London and Edinburgh, where he obtained qualification. Returning to Canada, his actions for the next four or five years were those of a thorough "wrong 'un." A marriage contracted at the point of a shotgun in the hands of an indignant parent; frauds on insurance companies; medical and other malpractices with women as their victims; charges of blackmail and of other malodorous deeds, were the principal events of his professional career. He moved to Chicago, but made no change in his scheme of life. His first conviction came in 1881. An elderly man, named Stott, living in Garden Prairie, Illinois, was so foolish as to send to Doctor Cream for his quack remedy for epilepsy. Furthermore, he often sent his pretty young wife to Cream's office in Chicago to make the purchase. Cream's motive in poisoning this man is not clear; it can hardly have been because he wished to legalize his relations with Mrs. Stott. As he was trying to insure

the life of Stott, it might have been thought—with any rascal less bizarre than Cream—that the object was money. At all events, Mr. Stott died twenty minutes after taking one of the doctor's prescriptions, and was buried without suspicion. How great was Mrs. Stott's guilty knowledge is a matter of doubt; it is quite possible that she may have been innocent of the murder. Doctor Cream would not let his victim rest in the grave; he insisted, in letters, first to the coroner, and next to the District Attorney, upon an exhumation. This took place, and strychnine was found in the body. Cream was captured, after a flight, and with the woman indicted for murder. She turned State's evidence, and escaped punishment. Cream was found guilty, but *in the second degree,* and sentenced to imprisonment for life. Illinois in 1881, as in 1924, was carefully saving alive her poisonous serpents.

He served less than ten years at Joliet. When his father died, in 1887, leaving Doctor Cream some $16,000, sympathizers thought that the time had come to give the poor fellow another chance, with an opportunity to enjoy himself and his inheritance. An agitation was begun to effect his release; Mr. Stott was dead, and doubtless anybody who had opposed the commutation would have been denounced as revengeful. The favourite contention of those who wish to let off murderers with an easy punishment, is that a different policy is inspired by vindictiveness. So Governor Joseph W. Fifer of Illinois commuted the sentence; and the Doctor left prison in July, 1891. He visited Canada to gather in his patrimony, and sailed for England, where he landed on October 1st. As with Stevenson's Mr. Hyde, his devil had long been caged; he came out roaring. The murder of Ellen Donworth followed on October 13th, and that of Matilda Clover on October 20th.

In the interval following these two murders, and be-

fore the others in April, he had made a trip to Canada and the United States. In addition to all the blackmailing letters, and to all the verbal and written threats which he uttered against a number of persons (some of which I have mentioned) he perpetrated, during this trip, one of the strangest of his deeds. He caused to be printed in Quebec 500 copies of a circular, worded as follows:

ELLEN DONWORTH'S DEATH

To the Guests,
of the Metropole Hotel

Ladies and Gentlemen,

I hereby notify you that the person who poisoned Ellen Donworth on the 13th last October is to-day in the employ of the Metropole Hotel and that your lives are in danger as long as you remain in this Hotel.

Yours respectfully,
W. H. Murray,

London April 1892

These circulars were sent to him in London, but never used. Nobody has ever discovered their purpose. He brought back with him $1,400 from his father's estate, and celebrated his return with the murder of Marsh and Shrivell.

At his trial, it was impossible to make a strong defence. Girls who saw him with Clover identified him; the constable recognized him as the man whom Shrivell let out of the house. Lou Harvey identified him as the man who had sought to make her take the capsules. He was proved to have written letters in which he said that Clover had died by strychnine, and this at a time when nobody knew the real cause of her death. He was found to be in possession of strychnine; and numerous witnesses, both English and Canadian, told of his fre-

quent conversations about "operating" among women with that poison. The jury were out only ten minutes before finding him guilty, and on November 15, 1892, the English law carried out the disagreeable task which the law of Illinois had shirked—in the name of humanity—eleven years earlier. That mistaken act of clemency had cost four wretched women torment and death.

What was Neill Cream? By that pseudoscientific thinking which calls every evildoer insane—on the pretence that we are all naturally good and virtuous—he will, of course, be termed a lunatic. If so, then he was a lunatic for whom the public hangman was the right and proper remedy. The half-horrible and half-absurd novels of the Marquis de Sade are unfamiliar to most modern readers, but since Havelock Ellis wrote "Studies in the Psychology of Sex" most scientific and many literary folk are familiar with the term sadism; indeed, few novelists of to-day can resist showing their familiarity with it. Nevertheless, Neill Cream, if he delighted in cruelty for its own sake, was of a special and peculiar type: he carefully absented himself from the scene when his victims endured their agonies. He took pains to boast about his crimes, and to advertise them pseudonymously and in ridiculous fashion, as in the Metropole circular. It is asserted that he had been suspected of insanity; he often took drugs—morphine, for instance. In a Court to-day, especially in America, a great fight could be made, on these grounds, to prolong his useless life, and save him for perhaps more deviltry in the future. The tender-hearted preservers of our murderers never give a thought to the future victims of the murderer, nor to the future victims of potential murderers, who note the light penalties which are awarded by mawkishness parading as mercy. The dead

are dead, they say; but we must keep these interesting young slayers alive, at Joliet, or elsewhere.

Cream was not insane in a legal sense; he knew the wrong he was doing; he was cool and calm in the transaction of business; none of his London associates thought him a lunatic. He would not have murdered had he not believed that he could again outwit the law and escape its penalty. Whatever exactly he was, wrote his biographer, Mr. Teignmouth Shore, the halter was his just award.

Doctor Crippen

The mysterious disappearance of their treasurer, in January or February, 1910, gave the London Music Hall Ladies' Guild subject for wonder and gossip. On the last night in January, the treasurer, Miss Belle Elmore (and her docile husband) entertained at dinner, in her home at Hilldrop Crescent, a Mr. and Mrs. Martinetti. Mr. Martinetti was a retired music hall "artiste." Dinner was cooked and served by Miss Elmore; and the four afterward played whist until between one and two. The hostess was well, cheerful, loquacious, and kind; she was probably rather noisy, as usual, and quite her own plump, flamboyant self. Her clothes were noticeable—a little conspicuous—and so, also, was her jewellery. Altogether, she was in usual form, and gave her husband a sound scolding for neglect—as she thought—of some point of courtesy toward her guests. He took the reproof meekly, as was his wont. Toward two o'clock in the morning, he ran out and searched the streets for a cab—Mr. Martinetti had a slight chill --and when the cab was found the Martinettis departed. The door of 39 Hilldrop Crescent closed—and Miss Elmore vanished from human sight.

It should be explained that Belle Elmore was not so called because of sympathy with the aims of the Lucy Stone League. She also would have described herself as a music hall "artiste," and Belle Elmore was her professional title. Prior to her marriage, she had been known, at her home in New York, as Cora Turner, but this was also an *alias*. Her true maiden—or to be precise—her unmarried name, was Kunigunde Mackamotzki; her father was a Russian Pole, and her mother, a German. She was a variety actress *manquée*. Her adoring husband, in the early days of their marriage, had paid for music lessons in New York: she aspired to grand opera. When they moved to London her ambition declined to music halls of the first class, and finally to those of second and even third rate. Almost her only appearance was at a time of an actors' strike; the audience sympathized with the strike and hissed her off the stage. After that, writes her historian, Mr. Filson Young, she "had to content herself with frequenting music-hall circles, reading the *Era,* retaining her 'stage' name of Belle Elmore, and adding to her already large stock of theatrical garments." Her election as treasurer of the Music Hall Guild had given her new interests, many congenial friends, and an opportunity for charitable work which she faithfully performed.

The little inoffensive husband, with whom the Martinettis left her that morning—and for whose benefit she continued the scolding—was a native of Coldwater, Michigan, a man approaching fifty years of age. His name was Hawley Harvey Crippen; he had the degree of M. D. from the Hospital College of Cleveland, he had practised medicine in four or five American cities, but had lived in London for ten years. In that city he had been employed by a number of "medical" companies; the mere recital of their names would make a respectable practitioner writhe in agony. Chiefly he had

been with the redoubtable Munyon, whose portrait—in frock coat, La Follette hair, and with finger upraised, telling the world that "There is hope!"—used to be as familiar in America as W. L. Douglas and Lydia Pinkham. He was now a dentist, and was also interested in an "ear-cure business."

A day or two after the Martinetti dinner, the Music Hall Ladies' Guild were surprised to receive Miss Elmore's resignation. She announced in a letter that she had been called in a great hurry to America, by the illness of a relative. The letter was signed "Belle Elmore, p.p. H.H.C.," and Doctor Crippen affirmed that he wrote it himself, at his wife's request. She was packing in great haste, and unable to attend to correspondence. She was also in too great a hurry, it appeared, to take away some of her clothes, furs, jewels, money, and other possessions. The Music Hall Ladies were somewhat puzzled at this, and when, a few weeks later, Doctor Crippen attended the dinner and ball of the Benevolent Fund, bringing another lady with him, and when it was observed that the other lady was wearing some of Mrs. Crippen's most conspicuous jewels, the bad taste of the incident caused more or less comment. "Peter" Crippen, as he was often known, had been well liked by his wife's friends; one of them called him "the nicest man I ever knew"; while ladies who believed that all husbands should be kept in abject submission looked upon the Crippen household as a model of perfect discipline.

None of them seems to have approved of the other lady. She was Miss Ethel Le Neve, a typist in the employ of Doctor Crippen's company. Her age was twenty-seven; her appearance and manner the exact opposites of the vanished Belle Elmore. Miss Le Neve was quiet, well-mannered, and gentle; as biddable as Miss Elmore had been loud and assertive. Even the mild Doc-

tor Crippen was able to command her fate; their relations had been intimate for a year or two. In March, following the disappearance of Mrs. Crippen, she openly took up her residence at 39 Hilldrop Crescent with the Doctor, and a week or two later they went together for a short trip to Dieppe.

The friends of Belle Elmore continued to ask about her sudden flight, and at last the Doctor broke to them the sad news. Belle had gone to California—where lived his son by his first marriage—and there, "up in the high mountains," she had perished from pneumonia. The Music Hall Ladies were inexpressibly shocked, but they desired to do what was proper by their "old pal." If the address could be given them, they would forward a wreath for the grave. This, said Doctor Crippen, with due solemnity, was impracticable. The body had been cremated, and the ashes were being forwarded to London. When the urn arrived, the ladies might then lay their wreath. Again they withdrew, baffled, puzzled, and most properly incensed against "that Le Neve woman." For nearly six months the riddle was without solution. Doctor Crippen's business and professional associates knew nothing of his domestic affairs; the circumstances of his life at home, both before and after Mrs. Crippen's disappearance, were known to very few. Yet the Music Hall Ladies, and their allied and associated gentlemen, were curious, disturbed, and suspicious.

In June, at last, one of them went to Scotland Yard and told a story which sent Chief Inspector Dew to the dental office. Doctor Crippen received him pleasantly and frankly, and said that he realized that the time had come for him to tell the truth. The Inspector admitted that such a course would be perfectly agreeable, as far as he was concerned. Mr. Dew thereupon spent the entire day in the office, the dentist dictating an extensive

account of his whole career, and going into another room from time to time, to pull a tooth. The important part of the statement was that Doctor Crippen declared that, out of regard for his wife's reputation, he had been deliberately deceiving her friends. He knew well that she had gone away, and, he feared, it was with another man. (There would have been nothing unexpected in this; Mrs. Crippen had more than once expressed—theoretically and practically—her preference for other men.)

The detective and the Doctor lunched together, amicably, and at the end of the long summer afternoon, spent in dentistry and dictation, the officer accepted his host's invitation to make a thorough inspection of the house at Hilldrop Crescent. Miss Le Neve was still in residence. Together, the two men went upstairs, downstairs, into the garden, and all over the place. They visited the coal cellar; I wonder if either of them had read, and if either of them remembered then or later, the similar situation in Poe's story of "The Black Cat." (The Crippens had had two cats, by the way, but I do not know where they were at the time of Inspector Dew's visit. They disappeared, and one of the bitterest of the Music Hall Ladies has uttered her dark suspicions concerning them.)

The detective was almost completely satisfied; the statement was plausible; nothing at the house gave any indication that it was other than perfectly true. Doctor Crippen was composed and affable. The investigation seemed to be at an end. Three days later, however, Inspector Dew decided to return to the office to ask a few more questions; he learned then that Doctor Crippen and Miss Le Neve had left London. The flight caused the detective to renew his suspicions; he returned, day after day, to the empty house; he set his constables probing, digging, searching everywhere. On

the third day he discovered that one of the bricks under a wood-pile in the cellar floor could be raised. He lifted it, moved a few more, and commenced to excavate in the earth beneath. Very soon he came upon what the Chief of the Criminal Investigation Department called "something very unpleasant." There were portions of a human body. The head, the entire skeleton, and all four limbs were missing—and they have never been found. There were not even means of determining the sex of the person who had been buried, and it seemed impossible to make any identification whatever.

Meanwhile, all over the world, the hue and cry was raised for Doctor Crippen and Ethel Le Neve. Their names were famous in a week; the subject for songs in variety theatres, and for ribald jest elsewhere. Many will remember that hot July, and the gossip about the fugitive doctor. Inspector Dew was derided as a badly fooled policeman who had let his man slip through his fingers. Ladies grew pale with rage in denunciation of "that beast of a doctor," not so much because he was supposed to have murdered his wife—that did not seem to annoy them—but because "he had cut her to pieces afterward." For a week and a day Scotland Yard was bombarded with letters and telegrams as never before: the fugitives were seen and recognized in every city in Great Britain, in all European capitals and most provincial towns. Finally, late one night, there arrived at the Yard a curious wireless message from the captain of a ship at sea. If Inspector Dew left instantly, he could catch a faster ship, the *Laurentic* from Liverpool, and arrive at Quebec in time to intercept two very interesting passengers who were already on the ocean, bound for Canada. Here was a problem. The officers had followed up so many false clues! There were promising reports to investigate from both Spain and Swit-

zerland; should Dew, the only detective who knew the case thoroughly, and had met Doctor Crippen face to face, be sent 3,000 miles away on what might be another useless chase? The decision was made, and the Inspector sailed, next morning, on the *Laurentic*.

This was what had happened. Eleven days after Doctor Crippen left London, there sailed from Antwerp the ship *Montrose* for Quebec. Captain Kendall had seen and read the illustrated circular advertising the desire of the London police for Doctor Crippen, and the Captain was no bad detective. Within two hours of sailing he noticed that two passengers, called "Mr. John Robinson and son," were unusually affectionate when they thought they were alone together. Master Robinson's trousers were very tight over the hips; they had been slit a little in the back; and were kept up, not with belt or suspenders, but with safety pins! Poor Miss Le Neve, her masquerade as a boy was hardly more deceptive than that of Huck Finn as a girl. Her enemies, the Music Hall Ladies, might have been no more naturally gifted for this disguise than she was —but at least they would not have made that error of the safety pins. Captain Kendall tried other schemes to test the disguises, and sent his wireless message crackling back; he even recorded the titles of the books which Mr. Robinson was reading—a touch which strongly appeals to me. It was the first employment of wireless in such a chase. At Father Point, in the St. Lawrence, Inspector Dew climbed aboard with his warrant, his handcuffs, and the prescribed remark of the Englishman who must live up to the national reputation for imperturbability: "Doctor Crippen, I believe?"

The trial at the Old Bailey was not an easy matter. The circumstances, of course, were black against the Doctor. When he went upon the witness stand, and en-

dured a long cross-examination by the Crown counsel, he had to begin by admitting that he could not tell where his wife was; and that he had not heard of anybody who knew where she was. He had pawned some of her jewels and given others to Miss Le Neve. Finally, there was the terrible blunder of the flight from London in disguise, as soon as the police had begun to investigate. Had he not made that mistake, he might be living to-day; Inspector Dew was practically ready to abandon the search after the first investigation at the house. These things were hard to explain, and might have established a "moral certainty" of his guilt. But that is not legal proof; the Crown had to show that the remains found in the cellar were those of Belle Elmore, and to connect her husband with her death. As the teeth found in the furnace proved the death of Doctor Parkman, so the proof of identity in this case rested upon one bit of evidence. It was shown that Miss Elmore, in life, bore the long scar of an abdominal operation, and such a scar was found on one of the fragments of flesh in the cellar. Moreover, Doctor Crippen, two weeks before the disappearance of his wife, had bought, for no satisfactory reason which he could supply, five grains of the deadly poison hyoscin; traces of this poison were found in the body in the cellar. Expert testimony was produced in his behalf, to dispute these conclusions, but on the whole, his witnesses broke down. A portion of a pyjama jacket was found with the remains; it was pretty conclusively shown that this garment was Doctor Crippen's. The jury were out less than half an hour; they brought him in guilty, and he suffered the extreme penalty of the law on November 23d, at Pentonville prison. Miss Le Neve was tried, a month before his execution, as an accessory after the fact, and was promptly acquitted.

There remains the mystery of Crippen's conduct and character. To the public, he was a brutal and heartless

wretch; but nobody who came in contact with him for one minute thought him anything but a quiet, mild, and courteous man. No act or word of unkindness to any living person could be produced against him. In Court he was a marvel of composure; in prison he touched everyone by his unselfish devotion to the woman he loved. His concern for her safety was his sole thought after his arrest. It takes a very stern moralist indeed not to find a genuine pathos in the letters which passed between them. Beerbohm Tree drove about London, the day of the hanging, murmuring from time to time, "Poor old Crippen!" and this sentiment was shared by many persons who were never known to be sentimental about a commonplace murderer.

To the jury the motive for the crime seemed simple enough. To criminologists and to some lawyers it has been more difficult to discover, and various explanations have been suggested—some of them fantastic. Mrs. Crippen, if she died by hyoscin, died painlessly. Why, if her husband plotted her murder, did he not try to pass off her death as an accident, the result of poison unintentionally taken by herself? Could it be possible that Doctor Crippen was guilty, not of the actual murder, but of the attempt to conceal the death, and to profit by it? So far as it has ever appeared, there was absolutely nothing in the character of Doctor Crippen, either before or after that night of the 31st of January, to indicate sufficient malevolence to allow him to harm a mouse. In the gallery of extraordinary murderers he is one of the great puzzles.

Mr. Smith

The Englishman's pet word, extraordinary, is but a mild one to describe the career of George Joseph Smith. If it were not for a distrust of superlatives I

would say that his case is the most astonishing ever heard in a court. It is no narrow spirit of patriotism which makes me think that the murders in this country, in Fall River, in 1892, are more interesting than the performances of Mr. Smith in three towns of England. For their amazing novelty, however, the achievements of this humourless Londoner should have entitled him —had there been any such decoration—to the De Quincey Medal, with the statement that, in his honour, the award would not be made again for fifty years. Brutal as were his crimes, they also had a grotesque quality, a dreadful approach to comedy, which often causes a description of them to be received with smiles. A bathtub, useful and desirable piece of furniture though it may be, is not exactly dignified. Like the folding bed, it has figured in too many jests to fit into a tragedy. And when the name of Mr. Smith became associated with three bathtubs, and three tragedies, it is apparent why some folk look upon his misdeeds as perilously close in resemblance to a French farce.

Mr. Eric Watson, the learned and very readable biographer of G. J. Smith, calls him "the most atrocious English criminal since Palmer." Well, the question of "atrocity" is one of opinion, and hard to decide. Palmer, the sporting doctor of Rugeley, was a convivial soul, who died game: at first thought he hardly seems in Smith's class. Then one remembers the pious entries in his diary, and the string of poisonings which he probably committed. Yes, he belongs with Smith, wherever the latter may be, and so perhaps does Doctor Cream. But these men were crude and conventional by comparison with Mr. Smith.

For Smith invented a new way to commit murder, and one which enabled him to face coroners' juries and come forth triumphant, "without a stain on his character." I have heard a writer of detective novels, one

with a lively fancy, begging for "a new kind of murder," yet this stodgy Mr. Smith, without the imagination of a greengrocer (and they are notoriously duller than a grocer of any other colour) thought out, in minute detail, a most successful plan for homicide, and only went to ruin because, like so many great artists, he could not resist one more farewell appearance. He had taken to heart, too literally, the advice of Mr. Tilden to the aspiring tennis player: never change a winning game.

Smith's performances answer all but one of the requirements for a good murder. The lack was in the personality of Smith himself. His was not a hitherto blameless character; he was not an educated man; and he had lived in anything but the odour of sanctity. He was an habitual, although petty, criminal, whose early associations were those of a reformatory, where he lived from the age of nine to sixteen. As he always was bad, it would be argued, by some humanitarians, that he had never had a "chance," and so should not have been punished. The same folk, by the way, would also excuse from punishment anybody who had, prior to his offence, always been "good," so the advantages of a criminal career, under these rulings, seem to be undeniable. Smith had done time in prison more than once between his release from the reformatory and the age of twenty-seven, when he entered upon his career of wholesale matrimony and murder.

One other feature of Smith's crimes does much to enhance their interest: a considerable mystery still surrounds them. We do not know exactly his methods, either physical or (if there were any) psychical. He never confessed. To the end, the view of himself which he wished the world to adopt was that of an afflicted man who had suffered from what he called "a phenomenal coincidence"—that three of his wives had died

in their bath. In court, he interrupted the Judge to protest at the charge to the jury as "a disgrace to a Christian country." He added that he was not a murderer, although he might be "a bit peculiar." As this seems to have been his method of admitting the fact that he had seven times committed bigamy, it is apparent that he had so mastered the art of modest understatement that he might have been envied even by an Oxford man. He never murdered a woman if he could, just as easily, rob her of every penny without taking her life. This fact throws doubt upon the theory that he enjoyed murder for its own sake.

Mr. Smith's matrimonial campaigns began in 1898; they were ended by his arrest early in 1915. His one lawful wife, Miss Thornhill, after difficulties with the police which both of them shared, retired to Canada, perhaps about 1902. She returned to England to testify at the trial in 1915. Some of his other courtships need not be described in detail: they merely involved a bigamous marriage, innocently if incautiously entered into on the part of the lady; and her subsequent grief when her husband decamped with all her cash and as much of her clothing as she did not happen to be wearing. It is not recorded that he left any of his living brides without at least the conventional "stitch" to cover her. The marriage with a lady known to the public only as Miss ——, in the respectable neighbourhood of the Registry at St. George's, Hanover Square; the robbery of "Mrs. F. W.," after a proposal of marriage; the marriage with "Miss F." at Southampton; and the marriage with Miss Alice Reavil at Woolwich in 1914, are all items in a rather monotonous programme. Mr. Watson tabulates one of them—it is typical—in this way:

29 October. Marries Miss F. at Southampton.
5 November. Absconds with all Miss F.'s property.

It is queer that he took so long about it; either Miss F. was of unusual attractiveness, or else something delayed the bridegroom in his business arrangements, which customarily were prompt. Miss Reavil was humble in social station; she is described as a "domestic servant." Most of the other brides were, as he said, "a notch above" him.

Leaving these minor incidents in Smith's career, let us consider his most remarkable marriages—four in number. In 1908, and for the first time under his own name, he was married at Bristol to Miss Edith Pegler. To her he was what might almost be called a good husband. That is, he never murdered her and he never robbed her. Indeed, she profited, in a small way, and quite innocently, by his robbery of another. From one of his mysterious absences, he returned, bringing her an outfit of clothing. He "had been doing a deal in ladies' second-hand clothing"—in other words, he had robbed poor Alice Reavil of her small outfit. Edith Pegler was the Catherine Parr to this Henry VIII; she survived him, and she had, comparatively speaking, small cause for complaint against him. She was forced to appear and give testimony, and when the tale of her husband's escapades was told, her sensations must have been far beyond description.

It was Smith's custom, when hard up—and that was his chronic state, for he never worked—to wander from this town to that, ostensibly as "a dealer in antiques." One of the worst deeds of this wicked man was to bring a reproach upon a business hitherto associated with nothing impure, by representing himself as a buyer and seller of antiquities and objects of art. In his wanderings, having left Miss Pegler somewhere or other, he met, and quickly wooed and won, Miss Beatrice Mundy. This was a respectable lady, thirty-three years of age, and the heiress to £2,500 by the will of her

late father, a bank manager. Smith, as "Henry Williams," married her, inquired about her money, and found to his distress that it was so tied up that he could not lay his hands upon it. The sum of £138 was available, however. He seized that and departed, leaving behind, as a gratuitous insult, a letter in which he charged the innocent woman with being diseased—the result of profligacy!

By a strange but real coincidence, some months later, he met Miss Mundy at Weston-super-Mare. Despite everything, she instantly agreed to rejoin him. This time he resolved to get all of her money. It could be done only if she died, having willed her fortune to him. The deluded woman readily consented to a will; Smith, at the same time, making his own will in her favour. His was quite worthless, as he hadn't a penny. The wills were signed July 8, 1912. On July 9th, Smith went to a shop in Herne Bay, where he and Miss Mundy were living, and bargained for a bathtub. He beat the dealer down from £2 to £1 17s. 6d. On July 10th, he took his "wife" to a doctor, saying that she had had a fit. Miss Mundy remembered nothing of any fit; she had merely complained of a headache. The doctor was called twice on July 12th, although there seemed to be nothing much the matter with the lady. On Saturday, July 13th, the doctor was sent for again: Smith (Mr. Williams, as he called himself) had found his wife dead in her bath. A policeman and a woman neighbour were also called; Smith led them upstairs and exhibited, to their astonishment and horror, the naked body of the dead woman, lying on the bathroom floor. Owing to the shrewdness exercised in the preliminary visits to the doctor, the coroner's jury found that the death was accidental: an epileptic fit followed by drowning. Smith buried his wife in a cheap grave, and commenced proceedings to obtain probate of the will.

After some difficulties, he secured more than £2,000. Later in the summer, he rejoined Miss Pegler, telling her that he had made £1,000 on the sale of a Chinese image.

During his next expedition, in the latter part of 1913, he met, at Southsea, Miss Alice Burnham, a nurse. She was a plump young woman of twenty-five, with a father who had sufficient perspicacity to distrust Smith at sight. It should be said, by the way, that Smith's easy conquests over women were equalled by the dislike he seems to have aroused in most men. Miss Burnham and Smith visited her home at Aston Clinton and her father afterward described his prospective son-in-law as a man of very evil appearance; in fact, Mr. Burnham "could not sleep while Smith was in the house." Mr. Burnham's insomnia did not interfere with his daughter's romantic intentions, and she was married to "George Joseph Smith, 40, bachelor, of independent means" at Portsmouth on November 4th. The name and age of the groom were correctly given. Miss Burnham's funds, from all sources, were about £132, 6d., and Smith soon had these in his care. On December 4th, he insured her life for £500. Four days later she made her will—in favour of the man whom she honestly supposed to be her husband.

In two days they were at Blackpool, seeking lodgings—lodgings with a bath. They rejected rooms in one house, because a tub was lacking. After they had found quarters, they called upon a doctor; Miss Burnham said she had a headache. The next day she called for a bath, which was prepared for her. While she was upstairs, the landlady, like the one in "Tess," looked at the ceiling and saw a stain, not of blood, but of water. The tub, for some reason, had overflowed. Smith went out on an errand: to buy two eggs for breakfast. When he returned he talked with the landlady for a few min-

utes, and then went upstairs. He was soon calling for a doctor, for the same one who had seen his wife yesterday. Mrs. Smith was dead—most unaccountably drowned in her bath. Soon after the inquest, Smith departed from Blackpool, leaving his address on a postcard with the landlady. That person had formed an unfavourable opinion of the sorrowing husband, and the gift of prophecy seems to have been vouchsafed to her. On the reverse of the postcard she wrote:

> Wife died in bath, I shall see him again some day.

Smith returned to Miss Pegler at Bristol; he had been, he told her, trading in Spain, where he had done fairly well. So he had: in a few weeks the insurance was paid, and it amounted to £506.

In September of the next year, 1914, occurred the marriage with Alice Reavil, who escaped without any bathing incident. Three months later, Smith married at Bath—with rare irony—Margaret Elizabeth Lofty, whose occupation was that of companion to elderly ladies. She was a clergyman's daughter, and a spinster of thirty-eight. The bridegroom appeared as "John Lloyd, land agent." Miss Lofty had but £19 in cash; but her thoughtful fiancé had her insured for £700, *before* the wedding. They repaired immediately to Highgate, and Smith engaged rooms—after a quarrel at one house where they did not like his manner as he asked about the bath. Then followed the usual procedure: the visit to a doctor, a will made in the husband's favour, a hot bath, requested by the wife at 7.30 P.M., and at 8.15 a police constable called in to view the naked body of a drowned woman.

Another "phenomenal coincidence," but it was one too many. Mr. Burnham, and another man who had met Smith at the time of an earlier bereavement, saw a newspaper account of this distressing death of a bride

in her bath. They communicated with Scotland Yard, and an investigation began which carried the detectives into more than forty towns of England, and led to the interviewing of 150 witnesses, of whom 112 were called at the trial. Smith was identified with "Williams" and "Lloyd." He soon ceased to deny the many marriages and the deaths; he always insisted that the deaths were accidental. He was tried, in June, 1915, at the Old Bailey, for the murder of Miss Mundy. It was remarked that all the solicitous care of an English court of justice was exercised to determine whether one worthless man should live or die—and this at a time when hundreds of the best and bravest men of Great Britain were daily giving up their lives in battle for their country.

The trial of Professor Webster indicated how accurately circumstantial evidence may lead to the discovery of truth, and the trial of Smith illustrated its value, and showed how absurd is the position of those who, ignorant of the meaning of the words, talk as if "circumstantial evidence" means incomplete or unsatisfactory evidence. Nobody had seen Smith kill any of the three women; nobody could even testify that he was in the room when they died. He took care to seem to absent himself. But the long string of coincidences fell upon him with crushing force. There were no less than thirteen points of similarity in the three deaths; of these, the wills, the insurance policies, the inquiries about the baths, the visits to a doctor, the ostentatious absence just after the time of death, and the fact that the brides were more profitable to Smith if they died than if they lived, were some of the most remarkable. Evidence as to "system" was admitted; that is, evidence of the two later deaths was allowed, to prove the earliest one. It would be interesting to know whether this would have been permitted in an American court,

or whether the frequent rule against such evidence—a rule so fair in the abstract, and so apt, in the particular case, to restore a murderer to his loving friends—would have prevailed instead.

One of the mysteries of the case—to men, at least—was Smith's extraordinary powers of fascinating women; of prevailing upon them to marry him after the shortest courtships; of making them accept insult and sometimes abuse; and causing them to entrust to him their lives and fortunes. A few elderly women disliked him; upon men he either made no impression at all or else an unpleasant one. Perhaps the explanation of his marriages is that he selected the victims with care, from among that class which Sherlock Holmes described as one of the most dangerous in the world—

> the drifting and friendless woman. She is the most harmless . . . of mortals, but she is the inevitable inciter of crime in others. She is helpless. She is migratory. . . . She is lost, as often as not in a maze of obscure *pensions* and boarding houses. She is a stray chicken in a world of foxes. When she is gobbled up she is hardly missed.

If Smith had one good quality, one amiable trait, or even one agreeable human failing, it does not appear. He was abominably close-fisted; his idea of a wedding journey was to take his bride to a free picture gallery, or to some shilling treat. He could cheat his victims, and anybody else, out of pounds or out of pence, with equal deliberation. And when he had killed Miss Mundy, and thereby come into £2,000, he returned the tub, over which he had haggled with the dealer, and refused to pay for it at all.

It is still unknown how the murders were accomplished. The simplest explanation is that he suddenly seized his victim by the feet and lowered her head beneath the water. One of the detectives in the case pre-

vailed upon a young lady whom he knew, an experienced swimmer, to get into a tub of water—discreetly clad in a swimming suit—and let him make the experiment. They were both convinced that it might be done; the girl quickly had to give the signal that she had enough, and wished to be pulled up again. Perhaps some folk were disposed to remark that these crimes could never have taken place except in modern American tubs; with the gill of water in the old tin-hat tubs of Queen Victoria's glorious days, Smith would have been baffled.

Sir Edward Marshall Hall, the famous barrister, who defended Smith, thinks that the murderer hypnotized his wives in advance. This, he believes, explains the curious fact that the bathroom doors were invariably left unlocked—and in strange houses. It has been suggested that, as a result of hypnotic suggestion, Smith did not even have to enter the bathrooms; that the brides drowned themselves! Drugs have also been offered as an explanation, and "poisonous vapour" in the water. There is certainly something odd in the dazed condition noted in the brides by one or two of the doctors who interviewed them. Smith was heard to prompt them in their replies, and in their inquiries of their prospective landladies whether there was a bath in the lodgings. One of the most bizarre theories is that Smith had a mania, an irresistible impulse, which could not be denied, once he saw a woman in a tub. He simply must drown her. This notion is based on the fact that he warned Miss Pegler, just before the murder of Miss Lofty, against bathtubs!

"I should advise you to be careful of those things," he said, "as it is known that women often lose their lives through weak hearts and fainting in a bath."

Assuredly it is impossible to say what are all the fantastic impulses of sexual psychopathy, but there was

too much careful planning, too much calculation of pounds, shillings, and pence, to let an English jury be hoodwinked into thinking that Smith was not responsible for his acts.

In Great Britain, murderers cannot insure the safety of their own necks by taking care to commit their murders in an especially atrocious fashion. Nor does the law, in that kingdom, summon swarms of alienists, to entertain the Court for days with descriptions of the prisoner's "phantasies" at the age of five and a half. One of the consequences is that with a population of forty millions there are less than half as many murders in a year as in the city of Chicago, with three millions.

Smith had lived by his victories over women, and to the end women were attracted by him. At the police court, they thronged around him in the dock; coming early in the morning and staying all day. They hemmed him in, pressing so closely that they actually touched him. At his trial, in the Old Bailey, the pretty ladies of London were there to watch, and to comment upon his fascination. Men found him insignificant and common: "Just like any butcher!"

When his last morning came—a day in August—he was in complete collapse. The executioners led him from his cell across the prison yard. Outside the wall, a crowd had collected—many of them women—and the loud chatter of women's voices reached the inside of the prison, drowning the tones of the chaplain as he recited the service for the Burial of the Dead.

VI

The Salem Conspiracy; or, *The Lamentable Death of Captain White*

To-day, if a man commits a murder, and if he takes care to do it in an unusually fiendish manner, and if, moreover, he is a person of wealth and prominence, there is a great rush of learned lawyers and scientists to explain things. He is a helpless victim of heredity, it seems, and should not be held responsible for anything; or he is at the mercy of his glands or his neuroses. He is far too interesting to lose by way of the gallows or the electric chair: he should be preserved alive, so that the alienists may have a jolly time testing his mental reactions, and chatting with him about his complexes.

Our great-grandfathers were crude. The murderer was explained by them in simple terms.

"Not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil," he proceeded to the commission of his crime.

This devil used to appear as a rather undignified creature. As he presented himself to the witches of Scotland and of Salem, there was more fun in him than harm—a low-comedy character, impossible to take seriously. He became fixed in my mind as a personage in red tights, like the one on the tins of potted ham. Read-

ing, however, the speeches of some great criminal lawyers of to-day, and the testimony of the psychiatrists, I get a new respect for the devil of our forefathers. I doubt if he can be any funnier than the modern explanations of evil will seem to the world in one hundred and fifty years. At least, he offers a convenient and fairly plausible formula, in the discussion of the mystery of crime.

As a stage manager, he showed varying degrees of care in his productions. He was responsible for brutal slaughters, and for refined poisonings, for stupid assassinations, and for puzzles involving some nice problems of psychology. Ninety-five years ago, he chose to set a perfect melodrama; to resurrect, in the early years of the Nineteenth Century, the apparatus of the Eighteenth Century romance; to show that he could beat the old writers of the tale of terror, and at the same time anticipate a favourite device of the modern detective story: the murdered millionaire alone in his house.

There was hardly one omission of scene, of cast, or of stage property. There was the morbidly respectable and extremely horrified community of Salem; there was a dark conspiracy, involving hired desperadoes and the black sheep of two good families; there was a white-haired and blameless old gentleman—a man of wealth—asleep in his bedchamber; there were dirks and doubloons; and there were lurking figures of men in "camblet" cloaks. There was even talk of a cave in the woods, where a gang of "harlots, gamblers, and sharpers" used to gather—what a romantic place was my native County of Essex a century ago!

One excitement followed another in that spring and summer of 1830. Convicts were brought "in chains," to testify; there were a suicide and four capital trials. Three juries sat in awe while the deep voice of America's greatest orator resounded through the courtroom;

one of those groups of twelve honest countrymen listened to the most celebrated speech ever delivered during a murder trial in this country. And, at the end, there were two dismal processions to the gallows; two executions of the sentence of death, and in public, before thousands of spectators. The feeling of shame which settled upon the town has not altogether lifted to-day; the murder of Captain White is still pointedly ignored as a scandal which it is good form to pretend happened only yesterday. The curious attempts which are made to suppress it, naturally result in keeping it alive.

It still defies all explanation how anybody had the presumption to commit a murder in Salem. In any other town of the county, perhaps, or even in Boston, it could have been believed. One writer from the West—Mr. C. M. Flandrau—came nearest to a description of the Salem attitude toward Salem. In his "Diary of a Freshman," the hero, from Minnesota, comes to an Eastern university, and strikes up a warm friendship with a very attractive youth named Berrisford.

He is the last person in the world [writes the Freshman] that I should have picked out as a citizen of Salem, and one day I told him so. He explained himself by saying that his mother had made an unfortunate marriage. I felt very sorry, as the only time I saw his mother I thought her lovely.

"He was very handsome and had a great deal of money, and was the best and most delightful man I ever knew," Berri went on.

"Well, I don't see anything so dreadfully unfortunate in all that," I ventured.

"Ah, but he wasn't from Salem," Berri explained simply. "He didn't even have any cousins there. . . ."

Captain Joseph White was a man of more than eighty years and accustomed to go to bed early. In his house—still standing on Essex Street—there lived only

himself (he was a widower) with his niece, Mrs. Beckford, who was also his housekeeper, and two servants, a man and a woman. On the night of April 6, 1830, Mrs. Beckford was visiting her daughter in Wenham. Early the next morning, the manservant found a parlour window open, and a plank resting on the sill so as to allow entrance and exit to the back yard. He searched the house for traces of burglary, but discovered nothing amiss until he entered his master's bedroom. Captain White was lying in a bed drenched with blood; he had been dead for hours. His death was caused by a heavy blow on the temple, but he had also been stabbed thirteen times, and there was more than one knife wound which would have been enough, in itself, to cause death. There had been no robbery; plate in various rooms was untouched, and a "*rouleau* of doubloons," in an iron chest in the bedchamber, were left undisturbed.

The causeless and brutal murder of an inoffensive old man, in a fine house in the centre of the town, made a tremendous and painful impression upon the folk of Salem. The usual idea got about: that nobody's life was safe. Business became brisk in sword-canes, dirks, cutlasses, and firearms; dealers in watchdogs could not supply the demand: and a continuous sound of hammering indicated that householders were having extra bars and bolts put on their doors and windows.

Captain White's funeral was celebrated with impressive ceremony, because of the deep damnation of his taking off. Among the afflicted relatives was his nephew, the Hon. Stephen White, one of the principal heirs. Others present included some connections by marriage, one of whom was a young shipmaster named Joseph J. Knapp, Jr., whose wife was the grand-niece of the late Captain White. It was the young Mrs. Knapp whom Mrs. Beckford had been visiting in

Wenham, the night of the murder. Mr. Knapp, a well-dressed gentleman of respectable and sorrowful demeanour, had watched for one night beside the dead body of his wife's great-uncle; he now followed the hearse as one of the chief mourners. He had been on familiar terms with the old man, and was frequently at the house on Essex Street.

To discover the wicked man who could have committed this unexplained murder, a public meeting was called, and twenty-seven citizens were chosen to form a Committee of Vigilance. These met every night, and doubtless found much to talk about. For nearly three weeks, however, their talk led nowhere at all. Then something happened which suggested that the world was being made unsafe for the family and the connections of Captain White. Joseph J. Knapp, Jr., and his younger brother, John Francis Knapp, appeared before the Committee, and told a stirring tale of an attack made upon them by night, near Wenham Pond, where the ice comes from. Three ruffians had held them up, as they drove home in a chaise, and but for the prompt and bold actions of the brothers, Salem might have had another tragedy. One of the rascals wore a sailor's jacket, he had two black smooches on his face to resemble whiskers, and he carried an ivory-handled dirk; another was very "tall and square," he had "stout whiskers," apparently false. These and other details gave to the story an air of villainy at midnight, and of new and undeserved horror in a blameless community. Except still further to alarm the Committee—and possibly to give a fresh spurt to the sale of cutlasses and watchdogs—the nocturnal adventure of the brothers Knapp did nothing to clear the original mystery.

After another delay of some weeks, light began to dawn from an unexpected quarter: a jail in New Bed-

ford. A shop-lifter, there in confinement, expressed a desire to talk about the Salem crime; he was brought "in chains" and gave testimony before the Grand Jury. It resulted in the arrest of some former associates of his: a Richard Crowninshield, Jr., of Danvers (formerly a part of Salem), together with his brother, George. The shop-lifter averred that he had often heard Richard say that he intended to kill Captain White.

Crowninshield, so writes a Salem author (the Hon. Benjamin Merrill), had never been convicted of any offence, but was suspected of several "heinous robberies."

> He was of dark and reserved deportment, temperate and wicked, daring and wary, subtle and obdurate, of great adroitness, boldness, and self-command. He had for several years frequented the haunts of vice in Salem; and though he was often spoken of as a dangerous man, his person was known to few, for he never walked the streets by daylight. Among his few associates he was a leader and a despot.

So says the Salem writer, from whom I learn, for the first time, that there were ever haunts of vice in that city. I have recently read a contemporary biographical sketch of Crowninshield. It paints him in many colours —but nearly all sombre—and endows him with the characteristics of Peck's Bad Boy, and of Milton's Satan, of Wild Bill Hickok, and of Don Juan. His was indeed a reprehensible character, but that his versatility in wickedness was so wide, there must be doubts. The pamphleteers of 1830 were the ancestors of the yellow journalists of to-day. Crowninshield is represented, in a picture reproduced with this chapter, at his moment of greatest infamy. So far as I know, he has one remarkable distinction: he is the only man who ever committed murder in a frock coat and high hat—a peculiar-

ity of costume which makes it clear that, if the White case were put into the moving pictures the rôle of Crowninshield should be enacted by Mr. Raymond Griffith.

The "Citizen of Danvers" who wrote the pamphlet on Crowninshield says that he was born at Liverpool in 1804. He was "celebrated for his daring hypocrisy, coolness, defiance of all law." By the time he was eighteen, he was "the terror of all Essex County." He is compared, by the writer, to Bulwer's "Paul Clifford." He went to an academy in New Hampshire (Exeter?) to prepare for Harvard, but was expelled—a fact for which I am grateful; we have had enough Harvard murderers in this book. His school pranks are related; they are not of an extremely vicious character. He visited Charleston, South Carolina; there is a romantic tale of a love affair, deep purple and ridiculous. He and his associates established a gambling house at the South Fields; it was their daily practice to entice young men into this "moral pest house." "It is said that one of the students now at Harvard University lost, on one night, over *three hundred dollars*." "Sharpers, cutthroats, and harlots" used to assemble there "from Salem, Lynn, Danvers, and adjoining towns."

When clues began to come, they fell like snowflakes. Captain Joseph J. Knapp, Sr., father of the young men who had so fortunately escaped the bandits of Wenham Pond, now received a peculiar blackmailing letter from one "Charles Grant" of Belfast, Maine. The writer hinted that Captain Knapp had been in some discreditable enterprise, and made threats of disclosures if $1,000 were not paid over. The Captain, to whom the letter was meaningless, showed it to his son, Nathaniel Phippen Knapp, who found it equally obscure. The two then rode over to Wenham, and handed it to Captain Knapp's other sons, Joseph J., Jr., and John

Francis. The son who was his father's namesake—and for whom the letter from Belfast was really intended—advised his father to give the letter to the Vigilance Committee. This suggestion the elder Knapp promptly and innocently obeyed. Meanwhile, the younger Joseph Knapp, with extraordinary fatuity, mailed two letters—one of them to the Committee. It purported to come from "Grant," and it confessed to having done the murder at the instigation of Stephen White.

"Grant" of Belfast proved to be an ex-convict named Palmer. He was arrested in Maine, whereupon he disclosed his knowledge of a conspiracy on the part of Joseph Knapp, Jr., and Francis Knapp, to hire Crowninshield for $1,000 to kill Captain White. These two Knapps—others of the family were innocent of all knowledge of the plot—were promptly arrested, and three days later Joseph made a full confession to a clergyman. His interest in the death of Captain White lay in his hope that his mother-in-law, if the Captain died intestate, would inherit nearly $200,000. He had stolen a will of the Captain's—a will by which Mrs. Beckford received only a small legacy—and burned it after the murder. He had arranged for Mrs. Beckford's absence and had unlocked the window through which the assassin entered. His brother Francis was present in Brown Street, at the rear of the Captain's house, on the night of the murder, and was recognized by one or two persons, as he hovered in the vicinity, in his "camblet" cloak. Crowninshield had never received the money promised him by the Knapps, but only one hundred five-franc pieces. Joseph made numerous blunders: he was mistaken in thinking that his mother-in-law would receive half her uncle's property if he died without a will; he was mistaken in the will which he stole, as it was not the last and true testament; and he

blundered unbelievably in advising his father to give the Grant letter to the Vigilance Committee.

When the Knapps were arrested, and when Palmer was brought to the Salem jail, Richard Crowninshield saw that the game was played out. He wrote contrite letters to his father and brother and hanged himself in his cell, by means of two handkerchiefs.

The State was now in a quandary. According to the Massachusetts law at that time, an accessory in a murder could not be tried until the principal was convicted. And the actual murderer, Crowninshield, was dead. Francis Knapp was therefore put on trial as the principal, in the second degree—that is, as an aider and abettor to the murderer; while Joseph Knapp and George Crowninshield awaited trial as accessories. Anticipating difficulty, the State called in to assist in the prosecution the greatest lawyer of the day, Daniel Webster. It was his task to prove that Francis Knapp was not only present at the murder, in a legal sense, but that he was there to aid and abet in the deed.

Joseph Knapp had been promised immunity if he would appear as State's evidence, and repeat in court the confession which he had made to the clergyman in jail. He now made his final blunder, and refused to testify, but stood mute in court, thereby placing the noose irrevocably around his own neck and his brother's. He may have acted from a noble motive that would not allow him to swear his brother's life away; but he was mistaken, for if he had testified neither could have been convicted. He had the protection of the State's promise; while his testimony (which the State would have had to accept) would have shown that Francis was in Brown Street that night merely as a spectator, not as a helper. Crowninshield had told him to go home; he had done so, but had returned to the scene. And as an accessory, not as a principal, he could not even be tried.

Despite all Webster's ability in argument and in examination of witnesses, the jury disagreed. Francis Knapp was promptly put upon trial again, and at the close Webster delivered the speech in which occurs the famous description of the murder:

Deep sleep had fallen on the destined victim, and on all beneath his roof. A healthful old man, to whom sleep was sweet, the first sound slumbers of the night held him in their soft but strong embrace. The assassin enters, through the window already prepared, into an unoccupied apartment. With noiseless foot he paces the lonely hall, half lighted by the moon; he winds up the ascent of the stairs, and reaches the door of the chamber. Of this, he moves the lock, by soft and continued pressure, till it turns on its hinges without noise; and he enters, and beholds his victim before him. The room is uncommonly open to the admission of light. The face of the innocent sleeper is turned from the murderer, and the beams of the moon, resting on the gray locks of his aged temple, show him where to strike. The fatal blow is given! and the victim passes, without a struggle or a motion, from the repose of sleep to the repose of death! It is the assassin's purpose to make sure work; and he plies the dagger, though it is obvious that life has been destroyed by the blow of the bludgeon. He even raises the aged arm, that he may not fail in his aim at the heart, and replaces it again over the wounds of the poniard! To finish the picture, he explores the wrist for the pulse! He feels for it, and ascertains that it beats no longer! It is accomplished. The deed is done. He retreats, retraces his steps to the window, passes out through it as he came in, and escapes. He has done the murder. No eye has seen him, no ear has heard him. The secret is his own, and it is safe!

Ah! Gentlemen, that was a dreadful mistake. Such a secret can be safe nowhere. The whole creation of God has neither nook nor corner where the guilty can bestow it and say it is safe. Not to speak of that eye which pierces through all disguises, and beholds everything as in the splendour of noon, such secrets of guilt are never safe from detection, even by men. True it is, generally speaking, that

"murder will out." True it is that Providence hath so ordained, and doth so govern things, that those who break the great law of Heaven by shedding man's blood seldom succeed in avoiding discovery. Especially, in a case exciting so much attention as this, discovery must come, and will come, sooner or later. A thousand eyes turn at once to explore every man, every thing, every circumstance, connected with the time and place; a thousand ears catch every whisper; a thousand excited minds intensely dwell on the scene, shedding all their light, and ready to kindle the slightest circumstance into a blaze of discovery. Meantime, the guilty soul cannot keep its own secret. It is false to itself; or, rather, it feels an irresistible impulse of conscience to be true to itself. It labours under its guilty possession, and knows not what to do with it. The human heart was not made for the residence of such an inhabitant. It finds itself preyed on by a torment, which it dares not acknowledge to God or man. A vulture is devouring it, and it can ask no sympathy or assistance, either from heaven or earth. The secret which the murderer possesses soon comes to possess him; and, like the evil spirits of which we read, it overcomes him, and leads him whithersoever it will. He feels it beating at his heart, rising to his throat, and demanding disclosure. He thinks the whole world sees it in his face, reads it in his eyes, and almost hears its workings in the very silence of his thoughts. It has become his master. It betrays his discretion, it breaks down his courage, it conquers his prudence. When suspicions from without begin to embarrass him, and the net of circumstance to entangle him, the fatal secret struggles with still greater violence to burst forth. It must be confessed, it will be confessed; there is no refuge from confession but suicide, and suicide is confession.

The great advocate's mastery of the twelve men in the jury box won the verdict, and the prisoner was found guilty. From the point of view of technical procedure, the conviction was perhaps a judicial blunder, but of its justice, and of the verdict in the trial which

followed, there is no doubt. The Knapps were guilty, and their escape would have been a scandal. Francis, who was barely twenty, was hanged on September 28th, in the presence of three or four thousand spectators. The Salem *Register* recorded its satisfaction that "a very small proportion of these were inhabitants of the town." The *Register* had hoped to be able to say that there were no "females" present. But it was disappointed. Several hundred females were there, but most of them, fortunately, and, indeed, naturally, when you think of it, were from places other than Salem. The doomed man was "very neatly dressed in a dark cloth frock coat, blue pantaloons, light vest, boots, etc. He had a white handkerchief in the breast pocket of his coat, which he took in his hand and held there till his death"—a rather remarkable feat, since his arms were pinioned behind him.

Joseph Knapp, Jr., was tried five weeks later. His confessions in jail, excluded at the trial of his brother, were essential. Webster again appeared, and the defence fought an impossible battle. At the other trial the State had to convince the jury that Francis Knapp was present in Brown Street not merely as a curious spectator, but as one actually giving assistance. At the trial of Joseph, the task of the prosecutor was to convince the Court of the admissibility of the prisoner's confessions. This was done, and the case was over. Joseph was found guilty and hanged on the last day of the year. The Salem *Register* observed that "He was very genteelly dressed in a dark frock coat and pantaloons, black silk vest, boots, etc." The number of spectators was about the same as at the execution of the younger brother—perhaps from four thousand to five thousand. The *Register* was gratified to observe that the number of female witnesses was greatly reduced. Doubtless, although the Salem *Register* does not say so, on this occa-

sion all the spectators, both male and female, came from other and baser towns.

George Crowninshield, though accused, in Joseph Knapp's confession, of a guilty knowledge of the plot, proved an alibi on the night of the murder, and was acquitted on his trial. Mr. Webster, by the way, did not appear.

The scandals connected with the whole dreadful business have been long in subsiding. Many folk accept the fact that it was a wicked deed, but realize that nothing can be gained by attempts to smother it. Odd and amusing stories are told in Salem about endeavours which have been made to destroy records of the crime, and it is asserted that Webster's speeches were taboo in the schools if they included his argument in the White case. In no other town, in all probability, would any one try to treat a scandal nearly a century old as if it happened yesterday. The faction which has tried to kill all references to the murder is very small, and does not include those who bear names of families which were concerned in the case. They are persons of other names, whose relationship to the murderers would be forgotten if they did not themselves keep the agitation alive.

Ten or twenty years after the murder, a wandering exhibitor of a group of wax figures did a lively business on Boston Common. He showed in a tent, for the fee of ten cents, the ghastly form of Captain White, lying in bed, and weltering in his gore. Over him, with knife raised and with menacing face held close to the dead man, leaned the sinister figure of "Crowninshield, the hired assassin." A gentleman who had paid his admission and paused to wonder at the spectacle, fell into conversation with the showman. The latter admitted that business was good.

"You see," said he, "lots of folks want to see the

figgers, and some of them pays again and goes in twice. An' then I don't have no expenses to speak of."

"You have to find board and lodging, of course," suggested the visitor.

"Victuals, yes," said the proprietor. "But lodging—well, the nights are warm and pleasant here now on the Common, and I don't have to go nowheres. I just lets Crowninshield stay where he stands, you see, and I just takes the Cap'n out of bed, and gets in, in his place!"

VII

The Sixth Capsule; or,
Proof by Circumstantial Evidence

At about half-past ten, one Saturday evening in the winter, some thirty-five years ago, a small procession of schoolgirls streamed through West Fortieth Street in New York. They had been listening to a symphony concert, and now, with the teacher, who had been acting as chaperon, guide, and guardian from whatever evils infest symphony concerts, they were returning to their boarding school. This was at 32 West Fortieth, which must have been at about the site of the present Engineers' Club. It was called the Comstock School; the principal was Miss Lydia Day.

There were nine girls in the group, and they came back under the mild but pleasurable excitement of an outing which was of a thoroughly improving nature. Probably even Miss Prism, in "The Importance of Being Earnest," who bade her pupil, Cecily, in reading political economy to omit the chapter on the fall of the rupee, as "too exciting"—probably even Miss Prism could have taken no exception to the evening's diversion. Modern music, with its distressing tendencies, had not arrived in this year 1891. Nevertheless, the girls, as they approached the door of the school, were coming

near to a passionate tragedy, a mystery and a horrifying scandal.

The names of six of them are lost to history. Somewhere or other, middle-aged matrons, they probably survive to-day, and their memories must often turn to that night in January. Three of them, Miss Carson, Miss Cookson, and Miss Rockwell, were to be brought even closer to the pathetic events of the next few hours, and the results which were to make the Comstock School unenviably famous.

These three young ladies went upstairs to their room, which they shared with another pupil, Miss Helen Potts. She had been spending the evening quietly indoors with the principal; alternately reading to themselves, or aloud, from John Brown's short stories, and his "Talks about Dogs." When her roommates came in, she had already gone to bed and was asleep. After a while she woke, and said:

"I have been having such lovely dreams . . . such lovely dreams about Carl. I wish they could have gone on for ever."

Carl—so her roommates understood—was Helen's fiancé, or sweetheart (his exact status was not clear), and he was known to some of the girls as an occasional caller at the school.

Within half an hour, all of the girls were in bed, and one of the teachers had been in to turn out the light. A few minutes later Miss Carson heard a moan; she got up and went to Miss Potts, who said, in a muffled voice:

"I feel numb; I feel as if I were choking."

She asked her friend to rub her head, which Miss Carson did for a while, and afterward returned to her own bed. Presently, she was called again, and soon all three of the girls were aroused. Helen now said that she could not feel their hands when they rubbed her

head. She added that she felt as if she were going to die. When her roommates advised her to go to sleep, she said, speaking with difficulty:

"If I do, it will be the sleep of death."

She presently added:

"Do you suppose that that medicine Carl gave me could do me any harm?"

After that, she spoke no more; her breath came with great difficulty, and as she slowly drew it in, made an alarming sound in her throat. The girls, thoroughly startled by this time, called the principal of the school. It was now nearly twelve o'clock. When Miss Day came, she soon found that Helen was not only unable to move, but that she was unconscious. Doctor Fowler, the school physician, was sent for; he lived but three doors away, so that he arrived in fifteen minutes.

Doctor Fowler was an experienced physician who had been practising medicine more than thirty-five years. He found Helen in a state of profound coma; her skin was cold, pale, and of a bluish tinge. She breathed in a very laboured manner, and only twice to the minute. The pupils of both eyes were symmetrically contracted so as to be hardly visible. He sent for his assistant, Doctor Baner, and toward morning, when both men were thoroughly tired by their efforts to resuscitate the girl, a Doctor Kerr was summoned. Doctor Fowler, who had seen many similar cases, began at once to give the treatment for narcotic poisoning. All of the restoratives were administered, and all the methods tried, to keep up artificial respiration. About three o'clock in the morning there were some signs of improvement, but these did not last for more than half an hour.

While one or two of the doctors were working over her, the other began to inquire what she had taken, and how she came to have access to such an apparently

large dose of poison. In the room was a pill box—empty—and written on the cover the words:

C. W. H. Student. One before retiring.

There seems to have been little doubt who C. W. H. was; possibly Miss Day knew that Helen had been taking medicine, and by whose prescription. He was a young student at the College of Physicians and Surgeons; his name, Carlyle W. Harris. Doctor Fowler promptly sent for this gentleman, and he arrived about daybreak, while the doctors were still rather hopelessly working over the dying girl. Said Doctor Fowler:

"We have a frightful case here, and there must have been some very great mistake. What did those capsules have in them?"

Mr. Harris said that he had prescribed them "for malaria, for headache, for insomnia, and the like." He had ordered twenty-five or -six grains of quinine, and one grain of morphine to be equally mixed and to be divided into six capsules, so that each should contain 4½ grains of quinine, and ⅙ grain of morphine.

Doctor Fowler answered:

"One sixth of a grain of morphine or even one grain of morphine could not produce this condition. We have here one of the most profound cases of morphine poisoning that I have ever seen."

He further advised the young man to go at once to the druggist—Ewen McIntyre & Son, at the corner of Sixth Avenue and Fifty-sixth Street—to see if there could have been some mistake; if the proportions of the drug had been reversed. Mr. Harris soon returned, saying that he had been to McIntyre's (which was untrue) and that they declared that there had been no error.

Doctor Fowler asked of him if he were a physician, licensed to practise. He replied that he was a medical

student, and had signed the prescription in that manner. More than once, he asked:

"Doctor, do you think anybody can hold me responsible for this?"

Doctor Fowler replied that he was not then concerned with responsibility, but with his attempts to revive the patient. Mr. Harris stood about, for the next three or four hours, showing no great concern for anybody but himself. He helped the doctors in some minor way, and made the brilliant suggestion of the operation of tracheotomy—cutting into the windpipe, for the purpose of inserting a tube, which aids breathing in cases of obstruction. The doctors ignored this as useless; in Doctor Fowler's opinion, expressed later, it would probably have killed the girl.

Doctor Fowler at last gave up, and said:

"Well, it is no use; she is gone."

Harris asked:

"Is she dead, Doctor?"

To the doctor's affirmation, he exclaimed:

"My God, what will become of me?"

He had told Doctor Fowler that he was "somewhat interested in the girl," and that he might have become engaged to her after his graduation. So the three men moved away from the bed, and stood at the windows, to allow him to take farewell of his intended wife. He did not improve the opportunity, however, or show any signs of affection.

He did say to Miss Day, who entered the room, that he was sorry for her. And a few minutes later, as the three physicians and the medical student were on the sidewalk, outside, he renewed his inquiry:

"Doctor, do you believe any one can hold me responsible for this?"

When, later in the day, Mrs. Potts, the mother of Helen, arrived from her home in New Jersey, she told

the schoolteachers of an incident of the day before. In tragic irony, it matches some of the events in Hardy's novels. She knew that Mr. Harris had prescribed for her daughter's slight illness. She did not know that the original prescription, as made up by the chemist, was in six capsules. Two of these, for some reason unexplained, the young student had kept, as the box contained only four capsules when Helen received it. Shortly after giving the box to Helen, Harris had gone to Old Point Comfort for a few days. Helen, on three successive nights, took the third, fourth, and fifth of the capsules, and as they were not only harmless, but nonbeneficial, wrote to Carl that they had done her no good whatever. He replied, urging her to go on with them. One capsule—the sixth—remained. On the Saturday morning, before her death, she showed the box to her mother, remarking that she had lost faith in the medicine, and would throw it out of the window. That poor lady, her mother, restrained her, advised her to take it that night, and she promised to do so.

Mr. Harris was reproved by his teachers for his conduct in prescribing medicine when he possessed neither a degree nor a license to practise, although matters were more lax in his day than they are now. For the most part, however, he was the object of much sympathy for the unfortunate death of a patient through some other person's "dreadful blunder."

The body of Miss Helen Potts was buried near her home in New Jersey; Carlyle Harris prudently absented himself from the funeral, "for fear he might break down."

Everybody but a few of the newspaper writers seemed, in the course of the next few weeks, to have forgotten the case.

There are two kinds of "yellow journalism": one which results in outrageous invasions of privacy, and

one in the furtherance of justice. Pursuing the latter course, the *World* made some investigations at the City Hall and elsewhere. One of the results was the publication of the fact that on February 8, 1890—a year before the death of Helen—two young people, calling themselves Charles Harris and Helen Neilson, had been married by an alderman. Neilson was Helen Potts's middle name; Charles Harris was the medical student, and his bride was the girl at whose death he had been present. Much other information was gradually coming to light; until it was possible to reconstruct the biography of a young man in whom the police began to be deeply absorbed.

Carlyle Harris was the grandson of an able surgeon, who was paying for his education; and the son of a woman who enjoyed a little celebrity as lecturer and writer. He had seemed assured of a successful career. In a competitive examination, he won a desirable appointment; his own personality was unusually winning. A lady who knew him, and remembers him well, has told me that there was no exaggeration in the contemporary descriptions of him as an attractive fellow: good-looking, frank, and honest in manner, he was so engaging as to be popular with girls and with older women, and not at all disliked by men. There was, indeed, some aura of the model young man about him; his mother, who lectured to Sunday schools and temperance societies, used to introduce the subject of "Carl" as an example of what might be accomplished, by proper religious training, to develop a really good boy.

There were a very few persons who knew that if Carl died young it would not result from the love the gods bore him for his extreme rectitude. His excursions into primrose paths showed some precocity; they must have begun well before he was twenty, when he de-

cided that wealth, fame as a physician, and a fashionable marriage might all be attained without missing any of the fun of the fair as he came along the road. He was at that age of cruelty, between eighteen and twenty-four, when many clever egoists blossom into their greatest activity. As much as any other class of youth, perhaps a little more, the medical student is apt, at this age, to take a genially pagan view of women: girls exist for his amusement, and he fancies he is well equipped by his knowledge to avoid any troublesome consequences.

It should not be thought that Carlyle Harris was concerned only with girls; he had other more manly diversions. In his extra-academic hours, he and some other merry boys went down to Asbury Park and founded the Neptune Club, which existed neither for yachting nor swimming, although it was wet enough for both. The police of Asbury Park were shocked at the unholy activities of the Neptunes; and Mr. Harris, as secretary-treasurer, spent a tedious night in the lock-up, and was finally indicted (although never prosecuted) for keeping what the constabulary, in their coarse manner, described as a blind pig and a poker joint.

The secretary of the Neptune Club, taken from a county jail, pursued the study of chemistry both in and outside the walls of the medical college. He discovered that rye whisky not only mixed agreeably with ginger ale, but that so mingled it produced a sweetish drink very pleasant to young ladies of his acquaintance. It had, moreover, the further merit—from the point of view of the complete amorist—of masquerading as non-alcoholic, and of being imbibed as such by girls who had not, hitherto, been sufficiently responsive to his advances. Modestly describing his adventures as a great lover to a casual acquaintance, Carlyle Harris mentioned four or five successes, but said that in two

instances he had been forced to satisfy the whims of the lady by a marriage ceremony.

In the summer holidays, following his second or third year at the medical college, he met, at a hotel in New Jersey, Miss Helen Potts, then a pretty and unsophisticated girl, not much over seventeen. The prospective Doctor Harris apparently did not prescribe for her the whisky and ginger-ale recipe. The friendship of the two—as long as it remained merely a friendship—was not disapproved by the girl's mother. That lady, for a considerable time, seems to have liked Carl. Her daughter, fond as she became of her suitor, declined to accompany him on an informal elopement. She was, however, persuaded to go with him on a morning excursion, ostensibly to see the New York Stock Exchange at work. Actually, they went to the City Hall, where, under various misrepresentations, they were married by the alderman aforesaid. The affable Harris, no doubt, made promise of public acknowledgment of the marriage with almost all the holy vows of heaven.

In the following spring his medical skill not only failed to relieve his wife from the embarrassing situation in which she found herself, but put her life in danger. Helen was sent away to Pennsylvania, to a relative who was a physician. This man delivered her of her dead child. She stayed in Pennsylvania during the summer and recovered her complete health. Except for Mrs. Potts, who had been taken into confidence, the marriage remained a secret. The elder woman urged upon Harris a public acknowledgment of his wife, and a marriage before a clergyman. The young man pleaded his career and his dependence upon his grandfather, and, instead, prevailed upon his mother-in-law to send Helen to the Comstock School. Some deception was practised by Helen's mother, since the principal of the

school would have refused admission to a girl whom she knew to be married. Carlyle Harris had a certain facility in getting others to assist him in spinning webs.

As the anniversary of the marriage approached, Mrs. Potts became more and more insistent for a public and religious ceremony. She besought Harris in conversation and by letter to rescue her daughter from her questionable position. Carl finally agreed to do this, if "no other way can be found to satisfy your scruples." He had no intention whatever of acknowledging his wife; he had already been considering other plans, and they were based upon his knowledge of *materia medica,* his confidence in his own cleverness, his appreciation of the advantageous position of the doctor, and his inordinate egotism and selfishness. The last qualities—as good an explanation as I can find for persons like Carlyle Harris—cause many a man, especially at his age, to look upon himself as an important lord of creation, from whose path to happiness all obstacles must simply be removed. Harris, in the course of his studies, had made some investigations of poisons; he had remarked to a classmate that by poison it ought not be difficult to remove any one. He saw a method by which to confuse the investigator who should attempt to discriminate between an innocent prescription, a fatal blunder, and a felonious act.

Helen, otherwise in good health and spirits, had been subject to headaches, which were supposed to result from malaria. Carlyle Harris chose, for the compounding of his prescription, the old and reputable firm of Ewen McIntyre & Son, then as now at the corner of Sixth Avenue and Fifty-sixth Street.* It is a re-

* In New York, city of perpetual change, it is always rash to assert that anything remains fixed for any length of time. Within one month of the date when this sentence was written, this pharmacy announced a change of location.

markable and unusual pharmacy, since it devotes itself, not to soda-water, ice cream, or quick luncheons, but to the business of a pharmacy. This firm compounded the capsules which have been described. Powdered morphine and quinine look alike, and ⅙ grain of morphine is a harmless dose. Harris kept two of the capsules, with the idea of producing them and proving their innocence. Of the remaining four, he left three intact. As for the sixth and last capsule, there can be no doubt that he emptied it, and filled it with morphine. He had had opportunity to obtain this drug at the medical school, when, within a month, some of it had been passed around for inspection. Nor were there then the restrictions in the sale of narcotics which exist to-day. He then gave the box containing the four capsules, three innocent and one deadly, to his wife, and told her to take one each night before going to bed, and to talk to no one after taking them. Then he left the city for a few days.

The district attorney's office arranged for the exhumation of Helen's body and an autopsy. An account of this pathetic event may be found in the autobiography of the distinguished physician who performed the autopsy, Allan McLane Hamilton. The examination discovered morphine, but no quinine, and led to the theory that the sixth and fatal capsule had been prepared by Harris himself. His plans had begun to go to pieces, but he was always frank in demeanour and often bold. He appeared—like Mr. Molineux—before the authorities, and announced that he was at their disposal. His offer was soon accepted, and in the following winter, he was put upon his trial. We are a businesslike people, and often get around to the trial of a murder case within a year or more after the event.

The case was of sensational interest throughout the

nation. One of Harris's defenders was a brilliant young attorney named William Travers Jerome. The leading prosecutor was Francis L. Wellman. It is an interesting commentary upon the opinion of lawyers who hold criminal law and its practitioners in contempt, that Mr. Wellman, after a long and distinguished career, chiefly in civil litigation, should return again and again in his published works to discussion of his part in the trial of Carlyle Harris, and realize that the most notable and interesting day he ever spent in court came at the climax of this extraordinary murder trial.

Public opinion was divided as to the guilt of the prisoner. He had his warm advocates, and his mother stood by him faithfully. In her terrible position, she must be judged leniently, but the fact remains that she filled the press and the public ear, not only with protestations of the innocence of her angel boy, but also, as time went on, with unjustified attacks upon the family of Helen, and even upon the dead girl herself.

The prosecution presented a closely reasoned case, in which the many items of circumstantial evidence fitted as beautifully as a well-reticulated suit of armour. It cut from under the defence almost every possible explanation of the death except that by morphine wilfully and maliciously administered by the prisoner. It showed motive, in his desire to rid himself of his secret wife, of whom he had said, to a witness, that he would kill her and himself rather than have the marriage become public. It showed a cruel and callous disposition in his suggestion to another girl, with whom he was carrying on an intrigue, that she marry an old man with money, after which he would enrich her and himself by compassing the old man's death with a "pill" which he would give him. It disposed of the theory of the druggist's "awful mistake" by demonstrating, through the testimony of the two clerks who pre-

pared the capsules, the care with which they were compounded. The analysis of the one remaining capsule which Harris was able to produce—he had lost the other—instead of working in his favour, proved the chemists to have been accurate. Suicide was shown to be an untenable theory; Helen was cheerful and in good spirits. The idea that she had some idiosyncrasy which could make ⅙ grain of morphine fatal; or that she had an unrecognized kidney disease, which was aroused by that small amount of the drug, was disproved by the fact that she had already taken three capsules, each containing the ⅙ grain of morphine named in the prescription.

The defence was reduced to suggesting that the death might have been due to kidney disease, and its expert witnesses—none of whom had ever seen Helen Potts, alive or dead—were produced to create a doubt in the minds of the jury. Against them the prosecution offered the unanimous and emphatic testimony of the doctors who for hours worked over the dying girl. They said it was an unmistakable and profound case of morphine poisoning. Doctor Hamilton testified that the autopsy showed no signs of kidney disease. The prosecuting attorney, Mr. Wellman, in a remarkable cross-examination, discredited the chief medical witness for the defence, and Mr. Jerome collapsed in court, from overwork and disappointment.

The jury, in about an hour, reported a verdict against the prisoner. The Court of Appeals unanimously sustained the verdict. Judge John C. Gray delivered the opinion of the Court. Discussing the remarkable combination of circumstances proved in evidence, he said:

Taking them in any combination, is there anything to help out the presumption of the defendant's innocence,

and do not every incident and fact, with greater or less significance, form a chain of circumstantial evidence, which subjects and holds him to the consequences of an intentional destruction of the life of the woman, to rid himself of whom no other way seemed open? I can reach no other conclusion.

And Governor Flower, having access to still other and more convincing testimony than was permitted to the jury (including Helen's last statements to her friends), refused to commute the sentence. Harris continued to discuss the case, and coolly to protest his innocence.* His family, especially his mother, made every effort in his behalf. She was later to write a book called "The Judicial Murder of Carlyle Harris."

In his last moment, he asked permission to speak, and said quite calmly:

"I have no further motive for concealment, and I desire to state that I am absolutely innocent of the crime for which I am to be executed." He then seated himself in the electric chair.

How, it is asked by some persons, can a man make such a statement, unless it be true? I think that there are at least three reasons, any one of which, or all of which, may furnish the motive. One is, that men have been saved at the last minute—while there is life there is hope. Governors are often soft-hearted and may relent.

* Mr. Algernon Blackwood, the novelist, writes in his autobiography, "Episodes Before Thirty," his recollections of a reporter, assigned to the Tombs. He talked with murderers, and recalls ". . . the faces gazing at me through bars [which] would often haunt me for days. Carlyle Harris, calm, indifferent, cold as ice, I still see, as he peered past the iron in Murderers' Row, protesting his innocence with his steely blue eyes fixed on mine . . ." The belief that Mr. Blackwood wrote a story based on the Harris case probably arose from his tale, "Max Hensig" (in "The Listener"), which has, at the beginning, a few points of resemblance to Harris's crime.

A confession may spoil everything. Next, there is the man's family to be considered; it may save them some measure of disgrace if they can say that the dying man protested his innocence to the end. The third reason is the wish to deny satisfaction to jury, judge, and lawyers, who are responsible, in his estimation, for his plight. A man who could plot the murder and watch the death of a helpless and innocent girl who loved him, would be capable of feeling some satisfaction in the thought that he might cause a few sleepless nights to the jurors who convicted him.

His mother had his coffin prepared a day or two in advance. The plate was engraved:

CARLYLE W. HARRIS
MURDERED, MAY 8, 1893.

VIII

The Tiverton Tragedy; or, *The Strange Case of Miss Cornell and Rev. Mr. Avery*

Early in the morning of the shortest day in the year, December 21, 1832, a farmer named John Durfee of Tiverton, Rhode Island, was driving his team through a field, a short distance from his house. In a stack yard near by, he observed the body of a woman hanging to a stake—one of those used for the support of a stack of hay. He went to her, parted her hair which covered her face, and saw that beyond all doubt she was dead.

As an outside garment she wore a long cloak; her hat was one of the kind called a calash. She wore gloves, but her shoes were off, and were standing on the ground about eighteen inches to the right; on the other side of her lay her handkerchief. She seemed to have died from hanging; a cord was knotted about her neck, and attached to the stake. But her knees were bent under her, and her toes touched the ground; it appeared that the cord must have slipped, after death, and let her down to the earth.

Durfee called his father and two other men. With some difficulty, they cut down the body. The Coroner was then notified. Before he impanelled a jury and began his investigation, other persons had arrived and

recognized the dead woman. She was Sarah Maria Cornell, a factory employee of Fall River, and about thirty years old. Mr. Durfee went to her boarding place, Mrs. Hathaway's in the village of Fall River, to get her trunk and clothes, as it was proposed to bury her near the place of death. The landlady said that, rather out of her usual custom, Miss Cornell had left the house the night before, about dusk, remarking that she was going to Joseph Durfee's and that she would return before nine o'clock. She was in good spirits, and not like a person bent on suicide. With the trunk, which she delivered to Mr. Durfee, was a bandbox, and this was found to contain some letters. Upon the evidence of all of these facts, and some information furnished by a doctor, whom the dead woman had consulted, the coroner's jury rendered a verdict the same day the body was discovered. This was that she had committed suicide, "and was influenced to commit the crime by the wicked conduct of a married man."

Soon after the inquest, she was buried, but two days later a small slip of paper was found in her bandbox; on it was written in pencil the words:

> If I should be missing, inquire of the Rev. Mr. Avery, of Bristol—he will know where I am. Dec. 20th. SARAH M. CORNELL.

Public opinion was instantly aroused against Mr. Avery, a Methodist minister of Bristol, Rhode Island. He was almost unanimously condemned, without further evidence. The body was exhumed; there was a second inquest, and this time a verdict of murder. On December 23d, Mr. Avery was arrested. Christmas, at that period in New England, was not celebrated as it is to-day, so there probably seemed nothing incongruous in the fact that his examination before two justices of the peace began on December 25th. It continued for

fourteen days, opening with a long statement by the accused man, as to his actions on December 20th, the day of Miss Cornell's death, and as to his acquaintance with her.

By this statement, it appeared that Mr. Avery, on the afternoon and evening of the 20th, had been on a long and lonely walk. If it was as innocent an excursion as he solemnly avowed, it was, nevertheless, one of the unluckiest rambles in which a gentleman ever indulged. It is quite possible, even in that Northern climate, and at that season, to find a perfectly good day for a long walk. But in this century, at all events, a person who willingly walks five or ten miles at any season whatever, is suspected of incipient lunacy, if not of graver offences. To stew nearly all day in the house, and then to be conveyed somewhere in an automobile is considered rational conduct; but the walker, if he is not himself murdered by an automobile, is lucky if he is not charged with some felony. Mr. Avery, even in his time, had the worst possible fate. To understand his trip, and its significance, there must be a brief geographical diversion.

As many of us do not live, or spend our summers, on Narragansett Bay, the fact may be forgotten that Rhode Island, the actual island of that name, is in the bay, and that it forms but a small part, perhaps a twentieth, of the State of the same name. The State used to be called Rhode Island and Providence Plantations. The latter part of the name has now gone by the board; perhaps the fact that Rhode Island contains the city of Newport is the reason why it has imposed its name upon the much larger region which is on the mainland. Mr. Avery's town of Bristol is on a peninsula which stretches into the bay, nearly touching the island of Rhode Island at the northern end. To the east of the island, across the Sakonnet River, lies a small fragment

of the State, containing the village of Tiverton, where Sarah Maria Cornell had died. North of Tiverton, and only about half a mile from the spot where her body was found, is the boundary line between the State of Rhode Island and Massachusetts, and here, on this line, is the city, then the village, of Fall River, where she lived and worked. If one had occasion to go from Bristol to Tiverton—in 1832, at all events—the easiest course would have been to cross to the island of Rhode Island by the ferry, thence across the island, two miles broad at this point, and again to the mainland by way of Howland's or the Stone Bridge.

Mr. Avery took the first of these steps, but, according to his statement, not the second. That is, he crossed by the ferry to the island of Rhode Island, and there, after a long walk, he stayed all night. It was not an impossible day for a walk; it had been cold and rather blustering in the morning, but grew warmer at noon, and was then two degrees above the freezing point: certainly a mild day at this season. Testimony was produced that he was in the habit of taking long walks, being gone half a day or more, and returning at night.

On December 20th, so he testified, he left home and crossed by the ferry at about 2 P.M. He had two objects in visiting the island. First, he had heard that Rhode Island coal was cheap in price, and that it formed a good fuel when mixed with other coal. He had talked with a neighbour in Bristol about it; he talked with another man on the ferry, as he went to learn about the coal, and perhaps to buy some of it. Second, soon after his appointment to Bristol, his father had written to him that he had been stationed in Bristol during the Revolutionary War; that with Sullivan's expedition he had been on Rhode Island, where he had admired the scenery, and had made the acquaintance of certain families. He asked his son to discover if, after so many

years, members of these families survived. He also inspired the younger Avery to wish to view the battlefield where his father had been in action.

With these two objects, the reverend gentleman wandered about the island all the afternoon; lost his way more than once; miscalculated his distances; and was overtaken by night. When he reached the ferry again, it was long after dark—four hours after, at least, since it was nine o'clock. The ferryman refused to take him across (the width of the ferry was nearly a mile), but offered to put him up for the night. This offer he was glad to accept, and he did not cross to Bristol until next morning. At no time, he said, after he landed on the island early in the afternoon of December 20th, did he leave it until the following morning. He did not cross the Stone Bridge to the Tiverton side; was not in Tiverton that day, nor in Fall River; nor did he see Sarah Maria Cornell, nor have art or part in her death.

Notwithstanding Mr. Avery's sacred calling, the public in general, and the folk of Fall River in particular, were disposed to receive this narrative with similar words to those used by the Peers, in "Iolanthe," at the tale of Strephon's philanderings:

"Taradiddle, taradiddle, tol lol lay!"

And they might have added, in the same vein: "Oh, fie! Strephon is a rogue!" For public gossip, newspaper writers and pamphleteers, began to represent Mr. Avery as a combination of Casanova and Sixteen-String Jack. His first wife, they said, had died of a broken heart as a result of his unkindness and infidelity —although he was then living, in apparent amity, with his first and only wife, who seems to have adhered to him during all his misfortunes. There were ten years of his life for which he could not account: during this period he had been a pirate in the West Indies. So ran a story, which rather unnecessarily grieved his friends.

Both he and they failed to enjoy its drollery, as you and I, my reader, even gifted as we are with an exquisite sense of humour, might fail to enjoy the malicious gossip of a small town, if we lay in a dirty jail, under a charge of murder. What art could do to please the populace and vex Mr. Avery, is shown in the accompanying caricature, "A Very Bad Man," which was apparently published as a separate sheet, not part of a book. I am sorry that I can give no information about the play on the subject of Mr. Avery and Miss Cornell, which was given at the unlucky Richmond Hill Theatre, in New York, and is said to have been revived "again and again."

There arose, of course, very early in this investigation, the question why the unfortunate factory operative, a few hours before her death, should have written the enigmatic message about the clergyman of Bristol. To explain this, the prisoner now addressed himself. He had been acquainted with her for more than two years: since July, 1830. He then lived in Lowell, Massachusetts, where Miss Cornell applied to Mrs. Avery for employment. The minister's wife declined the offer; she was not pleased with the girl's appearance—and if the portrait of her is a good one, Mrs. Avery was justified. Later, Miss Cornell asked her pastor, Mr. Avery, for a certificate of regular standing in the Methodist Church, as she was going to a camp meeting at Eastham, and also to visit friends in Connecticut. The certificate was given, conditionally, as the pastor had heard the young woman "accused of profanity." After a bit, she came back to Lowell, keeping the certificate. Mr. Avery was soon pained to hear, from her employers, that profanity was the least of her offences, and she finally confessed to him that she "had done wrong and had been a bad girl." His advice to her probably conformed with the practice and rules of his church:

she must stand trial, would probably be expelled, but could, in due time, on sign of reformation, again be received into communion. He tried to recover the certificate, which she said she had lost.

She was next heard of in Dover, New Hampshire, where she had obtained admission to the Church by use of the Lowell certificate. Mr. Avery wrote to the Rev. Mr. Dow, the Methodist minister at that place, informing him of the causes for which she had been expelled in Lowell; to these faults, he said, it was now charged that she had added theft. Miss Cornell moved about the State, from one town to another. In one of them she accused a physician of so far forgetting himself as to make an attempt against her chastity. She continued to write to or call upon Mr. Avery, asking for his forgiveness. At a camp meeting in Connecticut, she was said to be present, and although he did not speak to her, "the brethren were cautioned of her," at his suggestion. Finally, she turned up in Fall River, where one night, after a meeting, she stopped Mr. Avery on the street—he was with two or three ladies at the time—and begged him not to injure her. He had exposed her and ruined her reputation, she said, in Lowell and Dover; she hoped he would persecute her no further. He said that he had no intention of wronging her in any way; her reputation in Fall River depended on her conduct there. As a matter of fact, he had already been questioned by his Fall River colleague, the Rev. Mr. Bidwell, about the woman, and had told him, as he was bound to do, about her expulsion in Lowell. After that, Mr. Avery had preached once in Fall River, and had noticed Miss Cornell in the congregation. He had never seen her again.

The effect of all this, of course, was to present the picture of a genuinely unfortunate woman, probably of bad heredity, who had led a more or less disorderly

life, punctuated with attempts at reform. These attempts may have been partly sincere, and partly the result of realizing that her livelihood and her social life depended upon her church membership. There was in it all a suggestion of a mild case of the delusion of persecution: she looked upon Mr. Avery as the beginning of all her misfortunes. When she found herself in an embarrassing situation—for the autopsy had revealed pregnancy—and she was resolved upon suicide, she left behind her the note with Mr. Avery's name in it—either for revenge or for some motive unknown.

These were the conclusions which one might draw from Mr. Avery's statement before the magistrates at Bristol. He was represented by three lawyers; numerous witnesses were called on both sides. The suggestion of the officers of the law, and the popular belief as to his acquaintance with the dead woman, and his knowledge of her death, were quite different. This unfavourable view of him will be explained later. The weight of the evidence against him at Bristol does not seem great, and one is tempted to agree with his friends that if it had not been for the scrap of paper, of doubtful import, found in the bandbox, suspicion against him would never have arisen, and proceedings would not have commenced. The two magistrates, after listening to testimony for fourteen days and without consulting together, arrived at the same conclusion. It was that no sufficient cause had been shown to hold the accused for the murder. One of the justices delivered a long opinion—a thoroughly sensible discussion of the evidence. Mr. Avery was, accordingly, released.

The fury of a large number of the people was merely inflamed by this decision. Whether Methodists were especially unpopular at this time, or what else may have been the cause, is not clear. The two magistrates, so went the gossip, were both Masons, and Mr. Avery

also was a Mason; therefore the poor, betrayed lamb, Miss Cornell, was to go unavenged, while the ravening wolf, her destroyer, would walk the earth unwhipped of justice. Perhaps this was the beginning of the superstition that "no Mason has ever been hanged."

Indignation meetings were held by the citizens of Fall River and Tiverton, and means were discussed for procuring another warrant against Mr. Avery. He was threatened with violence; mobs gathered outside his house, and he and his friends decided that his life was in danger. By the advice of his friends and of his counsel, he took what now appears to have been the unwise course of flight. He disappeared from the State. It always seems best, of course, for a man to stay and "face his accusers," but when the accusers come in a mob, bent on violence, exactly how he is to face them with any satisfaction is a little hard to explain. Colonel Sherburn, in "Huckleberry Finn," did it, to be sure, but he carried a double-barrelled shotgun with him, and this begs the question. Mr. Avery's flight naturally had the result of confirming the general opinion of his guilt.

Now appears Harvey Harnden, sometimes called Colonel Harnden. He was armed with a kind of warrant or writ—peculiar and complicated in its nature—and set out on his travels to find the fleeing minister. Mr. Harnden voyaged far into remote and wild districts of Massachusetts and New Hampshire; he conversed with strange peoples, and returned with the feelings of one who had looked upon the Anthropophagi, and men whose heads do grow beneath their shoulders. He had to show great tact and discretion; keep his own counsel and remember at all times that he represented the law and the offended dignity of the people of Rhode Island. For something like five or six days, he was practically cut off from communication with all mankind—at least of his own State—and he did not

even write to his wife. When he did come back, he had very naturally become a figure of world-wide interest; he had penetrated the lairs of the Methodists, dragged forth and brought one back, alive.

So he satisfied the universal curiosity by writing his "Narrative of the Apprehension . . . of the Rev. E. K. Avery," which had an enormous success, and almost immediately went into a second edition.

Mr. Harnden trafficked with High Sheriffs, Governors, and Secretaries of State. He picked up the trail in Pawtucket, but lost it in Attleborough. He made his inquiries in Wrentham, Walpole, and Dedham. From the last place, he proceeded to Boston, where he stayed at the Broomfield House, kept by Preston Shepherd, Esq. Here he declined to register his name, but sought an audience of Governor Lincoln of Massachusetts. Some stately business being concluded, he continued, with his assistant, Mr. Allen, to Woburn, where Mr. Allen "was taken unwell." He left him to take the stage in the morning, while he pushed on. At Billerica* his horse became lame. He left him, and took another. He arrived in Lowell, and here, he began to suspect, the natives were hostile. He sensed—as the novelists say—he sensed opposition. This, however, only increased his determination, and with the aid of the High Sheriff, he ran down a wealthy citizen who was suspected of being a strong partisan of Mr. Avery. He confronted this man, apparently in his own home, and after the High Sheriff had withdrawn, but in the presence of other witnesses, he delivered to the unnamed man of wealth an oration. I will give it, as a sample of Mr. Harnden's style in face of the enemy:

"On such a day you were in Bristol; you left there with two ladies in a carriage, drawn by two white horses; you

* The gazetteers give this name four syllables, but in Massachusetts it is pronounced as if named for a man: Bill Ricker.

stopped in Attleborough at the tavern kept by Mr. Newell, and when you there stopped, *Ephraim K. Avery* was in the carriage with you. You there called for half a bushel of oats, and gave them equally to your horses; you remained there about one hour. When you were ready to start, it was discovered that there were oats remaining before the horses. They were taken, tied up in a handkerchief, put into the carriage, and when you left, *Ephraim K. Avery* was with you. You next stopped in Walpole, near a public house. You and Mr. Avery got out of the carriage; neither of you went into the house; you then started again, and *Ephraim K. Avery* was with you. You next stopped at Mr. Sumner's tavern in Dedham, where you put up for the night; and at that time *Ephraim K. Avery* and two ladies were with you. A private room was there called for, into which you went. The ladies wished a room, which they could lock themselves into for the night, and requested that you might be shown where you could rap in the morning to awake them, as you designed to start early. You were shown a closet in which you might rap to awake them. You left that place about the dawn of day, the next morning, and when you left, *Ephraim K. Avery* was with you."

The terrified citizen, reduced almost to a jelly from fear, begged to speak with this inexorable agent of justice, for a few minutes alone. There followed a long interview, and the information was drawn from the quivering wretch that he believed that Mr. Avery was in Rindge, New Hampshire.

There followed two days of negotiation with the Governors of Massachusetts and New Hampshire; legal delays and correspondence; drawing up of maps and plans of campaign; interviews with deputy sheriffs, county squires, and itinerant bakers; and the assumption of a disguise by the indomitable Harnden. At last he found Mr. Avery, standing behind a door in a house in Rindge, where the family had given him a refuge. Mr. Avery showed a little emotion at this second ar-

rest, but no especial sign of fear. Without the use of shackles, chains, or manacles, and with no opposition, Mr. Harnden conveyed his prisoner back to Rhode Island. The journey seems to have taken nearly a week, and at the various taverns where they spent a night, Mr. Avery was called upon by some folk who were curious to see him, but also by a good many friends and sympathizers.

At Newport, before the Supreme Judicial Court, on May 6, 1833, the case was called of the State of Rhode Island *versus* Ephraim K. Avery. The Chief Justice and two Associate Justices were on the Bench; the Attorney General and two other lawyers appeared for the State. Mr. Avery had been provided with no less than six counsellors, the leader of whom was Jeremiah Mason, called (by Senator Lodge) "one of the greatest common-lawyers this country has ever produced." Mr. Mason was the mentor of Daniel Webster; he was six feet seven inches in height, and accustomed in addressing a jury to stand so close to the box that he could have "laid his finger on the foreman's nose." Speaking to them in clear, conversational, easy terms, he had won verdict after verdict.

The amount of interest attracted by the trial was extraordinary, and was probably not equalled in New England until the trial of Professor Webster, seventeen years later. The *Evening Post* of New York was, at that time, a four-page newspaper, in which a few columns of news on the second page were nearly lost among three or more pages of advertisements. The front page was invariably devoted to advertisements. Yet, one day, all this paid matter was banished and the whole front page given up to a report of the Avery trial. There could hardly be anything more astonishing, unless the *Atlantic Monthly* should appear with a cover

in colours, with a picture of a girl in a bathing suit. The *Post* looked, in 1833, as if it could scarcely be moved by the assassination of the President. Nobody attempted this, but a former second-lieutenant in the army, annoyed at his dismissal, tried to slap the President's face. The second-lieutenant escaped with his life, although the President was Andrew Jackson himself. The *Post* gave the incident a paragraph. The verdict in the Avery trial was rendered on a Sunday afternoon; and, the fleetest stagecoaches being at its disposal, the *Post* reported the result in its issue for the following Tuesday.

This, it was said, was the first trial of a clergyman for murder in America. The Rev. Mr. George Burrough, of the Harvard class of 1670, had, of course, been tried in 1692, and executed. But this is now generally held to have been unjust, since the crime of which he was accused was witchcraft. It would be a mistake, however, to think that witchcraft was, in 1692, a more respectable crime than murder. Nearly fifty years after Mr. Avery, the Rev. Mr. Hayden was put upon his trial at New Haven, for the alleged murder of Mary Stannard—a peculiar case in many of its details. Nearer to our own time come two far more evil figures. There was the Rev. Mr. Richeson—whose pitiful victim is remembered by many for her euphonious name, Avis Linnell. Not the least remarkable circumstance in the last days of Richeson was the fact that he was executed on his own confession, without a trial—an outcome impossible, I believe, in some states. And with Father Schmidt of New York, the investigator enters an incredible world; a region haunted by werewolves and by the ghost of the Maréchal de Retz.

Public opinion was so much excited either for or against Mr. Avery that a jury was chosen with great difficulty, and only after more than a hundred tales-

men had been examined. The prosecuting attorney announced that the State expected to prove that Miss Cornell was first strangled and then tied to the stake by her murderer. They would show that the prisoner's relations with her were not innocent, and that he had every desire to put her out of the way. Mr. Avery's walk, on such a day—for the attorney called it "cold and blustering"—was absurd. They would prove that there was an appointment between the two to meet at this place. Moreover, they would show that the minister did not take the walk that he described, but that he crossed the island, went over to Fall River, back to the stack yard, whence, after a sufficient time to commit the murder, he returned to the ferry house.

The witnesses were then called, beginning an almost interminable procession. Sixty-eight witnesses were examined for the prosecution, and one hundred and twenty-eight for the prisoner; the trial lasted twenty-seven days, which was most unusual at that time.

To prove that this was a murder and not a suicide, the State relied upon testimony showing that Miss Cornell's comb was found broken, some distance from her body, and that the cord around her neck was tied in a clove hitch—an unusual knot for a woman to tie. (Also an unusual one for a Methodist minister—unless he had really been a pirate.) Mrs. Meriba Borden, described as "a respectable matron," and Mrs. Ruth Borden, "a middle-aged matron," helped lay out the body of the dead woman. They appeared in Court to give some rather unscientific testimony (which was corroborated by Mrs. Suzanna Borden) as to marks and bruises, which, the State suggested, were not self-inflicted. The medical men had little to say about the bruises, and seemed to be of the opinion that she died from strangulation.

A labouring man, named Benjamin Manchester, was

blasting rocks near the stack yard at about sunset on December 20th. He saw a tall man, wearing a dark surtout and a dark hat with a wide brim; the man looked generally like Mr. Avery, but the witness did not make a positive identification. William Hamilton ("a foreigner," nationality not specified) was near the stack yard about quarter to nine that evening. He heard screeches, which he called "squalls," "as of a female in distress." But Eleanor Owen, a Welshwoman, who said that she would prefer to testify in her own tongue, heard a woman screeching at about half-past seven. A number of witnesses testified that they saw a man, a tall man with dark clothes, generally resembling the prisoner, near the tollhouse at the Stone Bridge. Peleg Cranston, the tollkeeper, said that eleven foot passengers went over the bridge that day. One, whom he did not know, looked like a doctor, lawyer, or minister. He believed he recognized him in the prisoner, but, again, this witness could say no more than that he thought they were the same.

The witness who seemed most damaging to Mr. Avery was Grindall Rawson, a young man of Woodstock, Connecticut. His wife was the sister of Sarah Maria Cornell. He testified, in some detail, that a month or two before the death of his sister-in-law she had attended a camp meeting at a place called Thompson. When she returned she had given him and his wife a detailed account, with the date, of an interview between Mr. Avery and herself, at which she had been seduced. She blamed Mr. Avery for all her misfortunes, and "swore her child upon him." This witness, although he was acquainted with the dead woman's handwriting, would not swear positively that the note found in the bandbox was in Sarah Maria's hand. The two or three anonymous letters found with Miss Cornell's property were produced, and it was endeavoured to show that

they were written by Mr. Avery. As the handwriting was not identified as his, all the efforts to connect him with them seem to have been rather futile.

The lawyers for the defence tore this case to pieces. If the State relied, at all, upon the testimony of the man who heard the outcries at quarter to nine, as fixing the hour of death, then the prisoner was entitled to a verdict on that alone, as it would be shown that he was at Bristol Ferry, eight miles distant, at half-past nine. The State did seem to urge eight forty-five as the hour of death, and to discard the Welshwoman's testimony. It was a fatal weakness in their case; no middle-aged man, with a weak ankle, as Mr. Avery had, ever sprinted across country at night, eight miles in forty-five minutes. Strong medical testimony was introduced to show probability that the death was caused by hanging; and the fact was pointed out that hanging was a frequent method of suicide, but a very rare one for murder.

Whoever fixed with so much accuracy the day and the hour at the Thompson camp meeting, when Mr. Avery and Miss Cornell walked arm in arm into the woods together, made a grievous mistake in so far as it tended to prove a case against him. His lawyers produced witnesses who were at the camp meeting and could show pretty conclusively that he was far away and engaged much more prosaically. The medical testimony on the related points was especially noteworthy; Dr. Walter Channing, Professor of Midwifery and Medical Jurisprudence at Harvard, was examined for three hours, both on the subject of suicide and on obstetrical details. The story of the Thompson camp meeting as the scene of the intrigue was shattered by this testimony. Another physician, from Lowell, gave evidence about Miss Cornell's character; evidence which was confirmed by numerous witnesses from different places.

All of it tended to show that she had made accusations, many of them palpably untrue, against a number of men; that she was given to talking wildly and threatening to kill herself; and that she was especially angry against Mr. Avery, and called him a rascal, and a villain, "for turning her out of the church."

Hallett's report of the trial gives an amusing account of the great number of witnesses who appeared, either to show Mr. Avery's guilt or to darken, somewhat, the fame of Miss Cornell. The reporter makes brief characterizations of the witnesses, so that we learn that Mary Hicks was an "elderly Friend," that Miss Sally Swan was a "young girl," and that Pardon Jillson was "middle-aged." Philena Holmes was "above middle age," while Sarah Honey was merely "over thirty." Ezra Parker, and his wife, Ruhamah, both testified. Mr. Parker kept the tavern on the stage road to Providence, and the reporter describes him as "a queer tall old man." He had something to offer about one of Sarah Maria's escapades. She came to the tavern one snowy day in March or April. The inn-keeper testified:

> She looked eight or nine months gone. She said she belonged to the Methodist Church, and appeared to be very much engaged in the work of God; very much indeed. At seven o' clock in the evening, Charles and William Taylor called for entertainment. Maria Cornell sot by the fire, with my family. The devil, says William Taylor, Maria, be you here? Yes, says she, and you can't help yourself, William Taylor!

Neither could he; the unfortunate Taylor was mulcted of a sum of money before he left, and this was most unjust, since, as Mrs. Ruhamah Parker testified, Miss Cornell's appearance was due merely to a cunningly adjusted blanket.

Mr. Mason, in his summing up for the prisoner,

pointed out that all the suspicions commenced with the discovery of the note in the bandbox, and that it had never been shown conclusively that Miss Cornell wrote the note. The bandbox for two days was accessible to many persons. He devoted the greater part of his address, however, to arguing the probability of suicide.

Once that could be established, all the other questions of Mr. Avery's walk on December 20th became of no importance. The defence had been able to cast strong doubts on the theory of the State that he crossed the bridge to Tiverton, but it must be admitted that the prisoner's story of his perambulations on the island lacked corroboration, except when he was at the ferry house. A man might walk all day in country lanes, it is true, and never again be able to find any person who could testify that they met. But the defence was weak at this point.

The jury were out all night, and gave their verdict Sunday noon, June 2d. It was: "Not guilty."

Mr. Avery was congratulated by his friends, and then went to the house of Mr. Kent, the Methodist minister of Newport. Shortly afterward he returned to his home in Bristol. The attacks on him continued, however, and to a long article signed "Aristides," some of his friends replied in a pamphlet of "Vindication," in the year following the trial. It is noticeable that his friends signed their names; his enemy did not. The "Vindication" contains elaborations of his own statements, and a temperate discussion of nearly all the evidence. One of his friends makes this interesting remark:

> The most difficult thing for Mr. Avery to account for, and that which has thrown the greatest suspicion over him, is the striking coincidence between an appointment made by someone, as appears by one of the letters, to meet S. M.

Cornell on the evening of the 20th and his going to the Island, which, as far as the ferry, was on the way to Fall River, that afternoon.

The broken comb, at a distance from the body, while not fatal to the theory of suicide, casts a doubt upon it. The fact that her gloves were on, seems to me to point to other hands than her own as engaged in tying the noose about her neck. But her shoes were off, and this is a puzzling thing, and perhaps indicates suicide, rather than murder. If a murder it was, there were evidently other men, aside from Mr. Avery, who may have had a motive to wish her out of the way.

Long after the trial, somebody asked Jeremiah Mason if he believed Mr. Avery innocent. The great and wily advocate had too thoroughly a legal mind to satisfy any such unprofessional question as this. He smiled, and said:

"Why, do you know, I never thought about it that way, at all!"

Mr. Avery found the unfriendly public opinion in Rhode Island too much to be endured. He had been sustained in his position by his Church, but he moved to Pittsfield, Ohio, where, it is said, he died in October, 1869—thirty-seven years after his unlucky afternoon's walk. In Ohio, he lived a quiet life as a farmer, and never gave his neighbours cause to regard him with anything but respect.

IX

Two Victorian Ladies

We have been given a very clear idea of the young lady of the early and middle Victorian Era. She was a shy, swooning person surrounded by voluminous clothing. Her "limbs"—for she had no legs—were concealed by pantalettes in her early years; later by skirts and petticoats of great length and enormous circumference. She took part in nothing more active than croquet and archery. Her eyes drooped when a man approached; she was, past belief, timid and prudish.

This description of her is good enough for those who accept the easy classification of writers who are ticketing and deriding the past. If you emphasize all evidence favourable to your contention and ignore the rest; if you play up the writers and artists who were sentimental and conveniently forget the others, it is not hard to show that any period in history was as ridiculous as you like—especially in comparison with our magnificent selves of the present, who are perfectly clear-sighted and honest.

These generalizations are puzzling. Our great-aunts and great-uncles may have liked to look at Landseer's paintings, while they certainly would not have admired Gauguin. They read sentimental novelists—or some of them did. But they would hardly have endured the

sentimental bunkum which, in behalf of the defence, was poured into the ears of the jury at the first Thaw trial. There were strange outcroppings of hardness, even in the height of the Victorian Era, as there are frequent exhibitions of softness today.

In 1857, as the trial of Madeleine Smith shows, it was possible for a Scottish jury to be as gallant as a New York jury of to-day. In 1865, the English authorities could exercise mercy toward a youthful criminal, and do it quickly, quietly, and without fuss. In 1924, in Chicago, at the trial of Loeb and Leopold, it required weeks of pompous oratory, and an enormous display of guesswork, solemnly calling itself learning.

Primarily for themselves, however, and not for the surrounding circumstances, nor for the legal proceedings, are Madeleine Smith and Constance Kent of unfailing interest. The word "girl," so often applied to any woman accused of murder, and not more than fifty-six years of age, is not incorrectly used to describe these damsels. Madeleine Smith was about twenty-one and Constance Kent sixteen when each achieved celebrity.

Miss Madeleine Smith

Miss Smith was the eldest of five children of an austere architect in Glasgow. Everybody said that she was attractive; the number and persistence of her suitors prove it. Her costumes were the last word in the fashion of her day. She had spent three years at a finishing school near London; then returned, at the age of seventeen, to her native Glasgow. Probably few persons suspected her latent possibilities for romance, for passion, for cool and determined action. She was a reader of novels and of poetry, and she made noble efforts to read biography. Her perusal of Hume and Macaulay

will baffle anybody who fancies that "serious reading" is a sheet-anchor for the wayward. Most of all was she a letter writer—one of the great letter writers of all time. Nobody ever disobeyed more recklessly the famous injunction against that dangerous sport.

There lived in Glasgow in 1856 a "packing-clerk" employed by the firm of Huggins & Co. His name was Pierre Émile L'Angelier, a man of French extraction, and a native of Jersey. He was about thirty; his social position was humble to the point of despair; and his salary—ten shillings a week. Not at all a desirable match from the point of view of Mr. and Mrs. Smith, with their town and country houses, and their good social position. But he had a romantic name, and a romantic way with him; his whiskers were astonishingly flowing and ambrosial, and generally exciting to a maiden of the days of the Crimean War and the Indian Mutiny. Moreover, he was a resolute lover; failing in two or three efforts to meet Madeleine Smith, he at last prevailed upon an acquaintance, a youth of seventeen, to introduce him to the lady as they met one day in the street. The fuse was now lighted, and Miss Smith was promptly engaged in a secret friendship, a flirtation, a love affair, and at last an intrigue. It went through all these stages in the course of a few months, and at the end of that time Madeleine was greeting Émile, in her letters, as "My own darling husband." L'Angelier probably considered himself her husband, and there is reason to think that, by the law of Scotland, he may not have been far from the truth. Mr. and Mrs. Smith were not taken into the secret; the lovers met, as the Victorian novelists would say, clandestinely. A romantic friend named Miss Perry sometimes acted as go-between; sometimes one of the maidservants in the Smith household befriended her young mistress, admit-

ting Émile at the garden gate, and thence into the basement of the house.

Madeleine's bedroom was in the basement, with a window near the sidewalk. Sometimes, of nights, when it was impracticable to go within, the lover stood at the window, and was cheered by the words of his sweetheart, and also by cups of coffee or chocolate which she passed out to him for his greater refreshment. In later years, the Smith house was occupied by a prosaic life insurance company; the clerks carried on their drudgery near the barred window through which Madeleine Smith had whispered her passionate vows of affection.

Passionate they were. Many thousands of them were confided to paper by their young author. Later they had such a vogue as to be published both in London and in New York. In fact, of all the notorious murders in which the art of the letter writer figured, the correspondence of Madeleine Smith was never even approached again, until 1922, in the case of Mrs. Thompson and Frederick Bywaters. Parts of some of these letters were found extremely shocking at the time of the trial; for two reasons, it is impossible to say whether they would so be considered to-day. One of these reasons is that the word "shocking" is used now only to deride the alleged prudery of other folk; the other reason is that the so-called objectionable portions of Madeleine's letters have never been published, or have gone out of print. Apparently, however, they were read in Court, and caused it to be said that they "showed as extraordinary a frame of mind and as unhallowed a passion as ever appeared in a court of justice."

The love affair and the letters continued—with the thermometer steadily rising—for more than a year. Miss Smith realized the difficulty of the situation, and the impossibility of reconciling her father and mother

to it. They were aware of her acquaintance with L'Angelier, a mere fraction of the truth, and warned her to desist even from that. She made one or two efforts to break off, but was unsuccessful. The situation became acute in February, 1857. A highly respectable suitor, a next-door neighbour, was urging upon her an offer of marriage. He was a prosperous merchant, he was backed by her father and mother, and he was most appropriately named Mr. William Minnoch. I strongly suspect that he was about thirty-seven; that he had sandy side-whiskers; and that he called on Sunday afternoons and conversed, most formally, in the Smith drawing room, amid the wax flowers* and the antimacassars. The contrast between Mr. Minnoch's visitations and the midnight trysts of the poor clerk in the basement boudoir is curious to reflect upon.

Her own precious Émile had become to Miss Smith both tiresome and inconvenient. Mr. Minnoch was not thrilling, but he was safe, and there had been enough excitement in the past year to satisfy almost any one. She intimated again to L'Angelier that their affair was hopeless, and that they would do as well to recognize the fact. He had heard of Mr. Minnoch, and he had no intention whatever of releasing his "dear, sweet pet, Mimi." He threatened her with her letters—of which he had two or three bales. If she persisted in her present intention, or if she did not dismiss his rival, both her father and the correct Minnoch should see a few of the letters.

This was a bad, bad blunder on the part of L'Angelier. He instantly began to receive once more, from Mimi, letters of the old caloric type. When would he come once more and tap outside her window? The area gate would be open; she would wait until one o'clock.

* A Victorianism revived, and now again rampant.

Meanwhile, Miss Smith went to a chemist's and asked for prussic acid—"for her hands." The dealer refused to supply it. A brief but instructive diary, kept by L'Angelier, has some significant entries about this time. For example:

Thurs. 19 Feb.—Saw Mimi a few moments
was very ill during the night.
Frid. 20 Feb.—Passed two pleasant hours
with M. in the Drawing Room
Sat. 21 Feb.—dont feel well
Sun. 22 Feb.—Saw Mimi in Drawing Room
Promised me French Bible
Taken very ill.

L'Angelier had been promoted, it seems, to the drawing room. His entertainment had several novel features. At some time in this month Miss Smith began to show concern in one of the disadvantages of her father's country estate: the rats which infested the garden. She made at least two calls upon a chemist in Glasgow, to buy arsenic for the confusion of these rats. There was a little demur, but not much; she signed the book at the chemist's with her own name, and was allowed the poison.

It has been computed, by a careful statistician, that if all the imaginary rats for whom arsenic has been purchased, at one time or another, should be gathered together in one place, they would present a very surprising spectacle indeed. I forget how far they would reach, or what else they would do. Miss Smith, at a later date, admitted that her rats were fictitious; her real purpose in buying the arsenic was to improve her complexion. This same statistician, whom I have mentioned, has also made some interesting tables and graphs, showing that if there were assembled all the ladies who bought arsenic for their complexions—ladies,

by the way, whose husbands or lovers happened to die rather distressingly—well, the united effect of their arsenically induced complexions would rival the moon in pallor.

Mrs. Jenkins, L'Angelier's landlady, began to be concerned about him. He would go out of an evening, apparently to make a call—he was understood to be courting a young lady—and would be found by her—Mrs. Jenkins—toward two or three o'clock the next morning writhing in pain on his bedroom floor. She suspected that he was eating something that did not agree with him. On March 2d, L'Angelier told Miss Perry that he had expected to die; a week later he remarked to her that he couldn't understand why he was so ill after getting that coffee and chocolate from Mimi. But he avowed his fascination—"If she were to poison me, I would forgive her." This shocked Miss Perry; but L'Angelier replied that perhaps Madeleine would not be sorry to be rid of him.

On March 18th, her purpose unshaken about the rats in her father's garden, or her own complexion, or something, Miss Smith made a third purchase of arsenic. A few days later, at half-past two in the morning, Mrs. Jenkins was awakened by her lodger ringing the doorbell. L'Angelier came in, and he was in a bad way. He had not had pleasant experiences before; poisoning by arsenic is a distressing business. But now he went through agonies. As day dawned, he sent for Miss Perry, and to her, had she come in time, he might have spoken. But when she arrived, about nine o'clock, he was dead. Madeleine's letters were discovered in his room. That young lady fled to the country, but was brought back to Glasgow by her brother and by Mr. Minnoch. L'Angelier's body contained an enormous amount of arsenic—enough to kill twenty men. It is

not surprising, therefore, that his Mimi was arrested and put upon her trial.

This ceremony was a social and legal triumph. It took place in Edinburgh. Despite her position, her youth, and her sex, a conviction meant hanging. There was little disposition, however, to bring about any such result. The blackmailing attempts of L'Angelier had made him exceedingly unpopular; the fact that he, a "Frenchman," had been far too successful in his wooing of a pretty Glasgow girl made the gallant Scots remark that Émile deserved his fate. I do not know what was the Scottish equivalent, in 1857, for "He got what was coming to him," but that was what they said. I have heard that still further evidence of the purchases of arsenic would have been forthcoming, if it had been desired—but it was not.

Legally, the proceedings were a triumph, because the verdict was in accordance with the evidence. The diary of L'Angelier was excluded, and one stumbling-block was removed from the path of Madeleine's lawyers. The dates of the purchases of arsenic could not be connected with her lover's illnesses in a thoroughly satisfactory fashion (although one of them was), and on the last night of all it could not be proved that Mimi and Émile had actually been together. He was traced to within a hundred yards of the house; nobody on earth doubts that they met, or how Mimi had flavoured the chocolate on that occasion—but the law is the law.

Miss Smith astonished everyone by her nonchalant demeanour in Court. It seems that she must have been told not to worry. She showed concern only when her embarrassing letters were read. The jurymen—there are fifteen in Scotland, and the majority decides—voted 13 to 2 that she was "not guilty" on one of the charges. Of the other two they voted, 13 to 2, that these were "not proven." The young lady returned home, to a

family who gave her rather a dubious welcome. Her old letter-writing fervour had not waned, however, and in a sprightly missive to the matron of the jail she gave an account of her health and hopes. Her "friend"—Mr. Minnoch—was out of the picture henceforth, but his place was more than filled. "I think I must have had several hundred letters," she wrote, "all from gentlemen, some offering me consolation, and some their hearts and homes."

The future career of Madeleine Smith has interested more writers, and given rise to more anecdotes and rumours, than that of any lady who ever dwelt in the shadow of the rope, and came forth again into the sunshine. The most authoritative assertion I have read is that, from these hundreds of gentlemen, she selected a Dr. Tudor Hora, married him in the year of her acquittal, and went with him to Australia. The marriage was not a success, although it does not appear what was the trouble, nor whether Doctor Hora found the chocolate and the coffee too strange for his taste. In four years, Mrs. Hora was in London, and there she was married at St. Paul's, Knightsbridge, to George Wardle, an artist. Again, the marriage failed to please one or both of the parties, and they agreed to separate. Surely, she must have ceased before this to meddle with the hot drinks! She returned to Australia, and died in Melbourne, in 1893.

Many anecdotes are told; some are contradictory of the foregoing account of her marriages. One, which possibly fits in with it, involves George du Maurier.* This should belong to the Wardle period in London, when she was acquainted with a number of artists and writers. Du Maurier, at a tea party one afternoon,

* Told by Charles Kingston in "A Gallery of Rogues." Harry Furniss's "Some Victorian Women" includes a dashing pen-and-ink sketch of Miss Smith.

was conversing merrily. The guests were few in number; the hostess was to him nearly a complete stranger. Somebody introduced the subject of murder, whereupon the artist instantly began to speak of Madeleine Smith.

"But she was innocent," suggested somebody.

"Not at all!" returned Du Maurier; "she was guilty as the devil, and ought to have been hanged."

His friend, who had brought him to the house, got him out of it as quickly as possible, and on the sidewalk made to him the announcement which you are expecting as to the identity of his hostess.

Miss Constance Kent

James L. Ford, in his witty description of the New York *Ledger* under Robert Bonner's editorship, writes that the *Ledger's* contributors found it wise to learn Bonner's whims and dislikes. The news would go out that Bonner was "down" on this or that, and thenceforth, whatever it was, could not be mentioned in poem or story, if the author hoped to exchange his manuscript for a check. One day it was rumoured that "Bonner is down on stepmothers," and after that, stepmothers were taboo to all the writers who gathered at Pfaff's saloon and studied the editor's prejudices. That hazy thing called general opinion has always been down on stepmothers, and so were the writers of the old tales for children—the wicked stepmother was a stock figure of evil. This is surely unjust. The histories of certain murders have suggested to me that the stepmother may be a person too much slandered and abused, and that, instead, the character of the stepdaughter might be worth consideration.

More than thirty years ago, a Grand Jury in Mas-

sachusetts made the gravest accusations against one of these ladies, and asserted that she was down on stepmothers to such a degree as to make Robert Bonner's animosity burn like a feeble flame in comparison. The State tried to convince the trial jury that her distaste for stepmothers had been carried to the point of a grand general slaughter of the family—with a hatchet. It failed to do this. The jury were unable to believe that a blameless spinster of thirty-two, the secretary of the local Young People's Society for Christian Endeavour, could behave in this manner, so they restored her to a life of affluence, and to an admiring circle of friends—whose enthusiasm has chilled, and whose numbers have not increased as the years have passed by. The police were strongly criticized for their degrading suspicions.

Thirty-two years before this, and in England, a police official had dared to arrest an English damsel of only half the age of the American lady, and charge her with a crime most savage, dark, and mysterious. She, too, was the daughter of a good family, carefully reared, and instructed in religion. The English girl was, moreover, prepossessing in appearance, if not altogether so in manner; and was fancied to bear some facial resemblance to the Queen of England in her youth. There even was gossip—probably absurd—to the effect that she was related, by blood, although not legally, to the Queen. In this case, also, the policeman was bitterly attacked for his "persecution" of a schoolgirl; and here, also, he failed to prove his charge. Had he known it, the feeling against stepmothers was at the bottom of the affair, and he was to live to see himself vindicated. The outcome of the English murder was different from that of the American, and the critics of the police were silenced.

In the last week of June, 1860, the family of Mr.

Samuel Savile Kent* were living in a spacious and pleasant house in the village of Road, in the English county of Somerset. Theirs was a square, three-storied house, surrounded by trees, shrubbery, and a few outbuildings. A little stream bordered it on one side; a lane with a few cottages on the other. It was, possibly, the dwelling of the gentleman of most importance in this tiny village. Mr. Kent was a government official, deputy inspector of factories, and the upright and pious head of an orderly household. There had been a little trouble between him and some of his neighbours, who lived in one of the squalid cottages across the lane. The fact that he had been within his rights when he put up a fence against trespassers, and when he tried to protect the fishing in the little river, had neither made him popular nor stopped the poaching of trout.

His family seem to have stepped out of a novel by Trollope or Wilkie Collins—its history undoubtedly interested both of these novelists. He had married twice. The first Mrs. Kent bore him four children during the first six years of their marriage; two of these survived in 1860, young women in their twenties. About 1836, Mrs. Kent became mildly insane: a source of anxiety and sorrow, but not living under restraint or apart from her family. During the next five years her husband made her the mother of four more children, all of whom died within a few months. With the young children in the house, with Mrs. Kent's mental condition as it was, and with the frequent babies, it is not surprising that a governess, a Miss Pratt, was engaged. Mrs. Kent had another daughter, Constance, born in

* The gossip, referred to above, was that this Mr. Kent was an illegitimate son of the Duke of Kent, the father of Queen Victoria. There is no foundation known for the story. Mr. Stapleton, who knew Mr. Kent, says that his father was a carpet manufacturer in London.

1844; a son, William, in the following year; and finally, in 1852, she died. There is high ecclesiastical authority for saying that nobody was to blame for her rather melancholy experience on earth, but that it was all the mysterious working of Providence. There seems to have been some grudge against women in the mind of Providence during the Eighteenth and early Nineteenth centuries, as will appear by the examination of dates on tombstones in any graveyard.

Fifteen months later, Mr. Kent married Miss Pratt; his three daughters acting as bridesmaids. The youngest, Constance, was then nine. The second Mrs. Kent, like the first, was a dutiful mother to a regularly increasing family. By June, 1860, she had three children of her own and was soon to have another. Mr. Kent's household, therefore, on the night of June 29th, consisted of twelve persons: his wife and himself, four children by the first marriage, three by the second, and three maidservants. They were a peaceful family, accustomed to live pleasantly together, so far as it appears, and to gather, at bedtime, for evening prayers. Mr. and Mrs. Kent slept on the second floor, with a little daughter in a crib in their room. Near by was the nursery, occupied by the nurse, Elizabeth Gough, and two other children of the second marriage: a girl about a year old, and young Francis Savile Kent, a boy not quite four. On the third floor, the two eldest daughters shared a room, and there also were the rooms of the other children by the first marriage: William, now about fifteen, and Constance, who was sixteen. The cook and housemaid shared a room on the same floor.

The hours of darkness of a June night in England are few, and it had long been light when the nurse woke at about five next morning. Raising herself in bed to rearrange the bedclothes on the baby, she noticed

that the cot of the little boy, Francis, was empty. The clothes were neatly turned down, and the impression of his body was on the bed, as if he had been quietly lifted off while he slept. The nurse was not alarmed at his absence: Mrs. Kent occasionally visited the nursery at night, and sometimes took Francis, her favourite child, to her own room. On this night, when he had been ailing slightly, it was to be expected that she might do this. The nurse went to sleep for another hour. Then she rose, dressed, said her prayers, and read a chapter of the Bible. Finally, going to Mrs. Kent's door, she asked if she should take "Master Savile." But he was not there, and upon the report that he was not in the nursery, the mistress of the house instantly became alarmed. Elizabeth ran upstairs to ask the elder Misses Kent if the boy were there. They denied having seen him; Constance came to the door of her room to hear the cause of the excitement, but had no suggestion to make. Nothing else in the house was found amiss, except an open window in the drawing room, which had certainly been closed when Mr. Kent went to bed the night before.

That gentleman suspected kidnapping; he thought of his unfriendly neighbours, the poachers, and immediately started in his carriage for the nearest police station, which was in the town of Trowbridge. Mrs. Kent unjustly reprimanded Elizabeth Gough for not notifying her as soon as she discovered the boy's absence. Later in the day, the nurse made to her mistress an enigmatical but perfectly accurate remark: "Oh, ma'am, it's revenge!" Afterward, even when she herself stood in peril, the nurse never uttered any accusation, nor could she be brought to express any suspicion. It is apparent, however, that she had pretty definite suspicions, and that they were also held by other members of the household.

The search went on while Mr. Kent was away; neighbours and people of the village had heard of the disappearance, and began to ransack the premises. Two men, looking into a disused closet in the shrubbery, found blood on the floor, and, in the vault, the body of the little boy in his nightdress. His throat had been cut with such strength and vigour that it amounted to decapitation; there was also a deep wound in his left side. When Mr. Kent returned, he gave the police permission to make a thorough examination of everyone and everything in the house, although he strongly insisted that the murderer came from outside. The wife of one of the policemen examined the women of the house; the usual search was made for bloodstains or other evidence, but with no result. If Mr. Kent felt sure that the slayer was a stranger, the folk of the village and some of the police seem to have been sure that the investigation was properly to be made inside the house.

At the inquest, a few days later, nothing was discovered of much importance which has not already been told here. The spectators, however, showed great hostility toward two of the children—that is, toward Constance and William. The coroner's jury demanded that these children be called as witnesses, and the coroner—because of the attitude of the crowd—decided to adjourn the inquest to their father's house, and conduct the examination there. Constance Kent, quite calm and demure, and in the manner of a young lady bereaved of her little half-brother by a shocking tragedy, testified that she had heard nothing whatever during the night, and had learned of the child's disappearance from the nurse in the morning. Everybody, she said, was kind to Francis, and she had never heard of any one wishing him ill. Her brother, William, gave

similar testimony. The jury returned a verdict of murder against "some person or persons unknown."

Why public suspicion centred at first upon Constance Kent is not wholly clear, but I suspect that, as in the case of a woman accused of a very notorious crime in this country, something in her manner impressed nearly all who saw her. Mr. Stapleton, the surgeon who knew Constance, and was at the house on the day of the murder, writes of her "strong, obstinate, and determined will," her "irritable and impassioned nature," and her "powerful physique." When she was about thirteen, and William about eleven, the two had engaged in an escapade which was now recalled and considered, although it was neither extraordinary nor the sign of an evil nature. Rebelling at the discipline of her stepmother (who had brought her up, and saved her from the early death which had claimed so many of her brothers and sisters), she ran away with her younger brother. Like Helena Landless, in "Edwin Drood," she had taken command of the expedition; gone to the same closet in the shrubbery where the body of Francis was found four years later; cut off her hair and put on boy's clothes; and walked the ten miles to Bath. When they were caught, William was tearful and repentant; Constance, self-possessed and insolent. She spent the night in the police station without weakening, and afterward, at home, passed many days in solitude, without expressing regret. Evidently, a spirited little girl.

Elizabeth Gough was arrested, and released. Soon, the local police being at sea, Inspector Whicher of Scotland Yard came down to take charge. He was a calm and intelligent officer, and he became, for his suspicions, one of the best abused men in England. What he learned about the family, or what importance he attached to the flight of Constance four years ear-

lier, is not apparent. But he made one important and one lesser discovery, and in a few days arrested Constance Kent for the murder.

At her hearing before the magistrates, it appeared that one of her three nightdresses was missing. The Inspector had asked her to account for this, and she had blamed the laundress for its loss. This—to any one knowing laundresses—was not unreasonable, but the housemaid appeared and testified to an interesting incident on the Monday following the murder. She, the housemaid, had made up the basket of soiled linen for which the laundress was to call. Miss Constance came to the room and asked her "to look in her slip pocket and see if she had left her purse there." The purse was sought but not found. Then Constance made another request: for the housemaid to go down and get her a glass of water. This request was obeyed, and Constance was left alone in the room for a minute. It was the theory of Inspector Whicher that during that minute the nightdress, already entered on the laundry list, had been abstracted to take the place of one which had been destroyed because it was stained with blood. The blame for its loss was then laid upon the laundress. The missing nightdress, by the way, is thought to have suggested to Wilkie Collins the incident in "The Moonstone," wherein Franklin Blake's nightgown becomes stained with paint from the door of Rachel Verinder's bedroom.

Inspector Whicher also produced two of Constance's schoolmates to testify as to remarks which the girl had made about her home and the other children. This testimony was unimpressive, but one of the remarks was to the effect that it might be nice for some girls to go home for the holidays, but it was not for her, as her home was different. This has a curious similarity to some testimony offered in the Borden trial in this coun-

try. There, the remark was excluded as remote; in the case of Constance Kent, the Inspector was assailed for "hunting up" the trivial conversation of schoolgirls. At the end of the inquiry, and after an impassioned and indignant plea by her counsel, Constance was released, amid the applause of the populace. Public sentiment was now in the girl's favour, and Whicher was hounded into retirement. He wrote to a friend that the mystery would never be cleared up unless Constance confessed, and that, in his opinion, she would have done so, had she been detained another week.

Late in the summer, Elizabeth Gough was again arrested. England was still much agitated over the case; choleric writers to the *Times* were expressing their indignation against this one and that. I have seen a letter, owned by a lady in this country, and written by some anonymous amateur detective from a London club. He addressed one of the solicitors in the case, and came to some perfectly accurate conclusions: that the murder had been committed by a woman, a member of the household, and for motives of "dire vindictiveness and revenge." With the new arrest of Gough, suspicion took a scandalous turn, which was much appreciated by the enemies of Mr. Kent. While it was not mentioned openly at the hearings, the theory was that the murder was the joint work of Mr. Kent and the nurse; that Mr. Kent, in the pursuit of an amorous intrigue with Elizabeth Gough, had entered the room; that the little boy had wakened, and, to insure his silence, had instantly been smothered by his father. The wounds were inflicted to mislead, after the body had been carried outside by the "guilty couple." Medical testimony was twisted into support of the suffiocation theory; and it was solemnly argued that the boy was too heavy to be carried by one person alone. This was all moonshine. Elizabeth was an intelligent woman of

good character, and the charges against her failed utterly. Mr. Kent was equally guiltless; the wretched man had not only lost his son by a cruel murder, but could have been in small doubt as to the identity of the murderer. That person remained silent and demure, while, for months, suspicion was directed toward innocent persons. The Kent family moved to Wales; Constance went by herself to a convent in France. The excitement died down; the mystery remained unsolved, except in the minds of a few, like Inspector Whicher, to whom it was no mystery at all. Nothing was heard of the Kents for nearly five years.

On April 27, 1865, the *Times* editorially discussed two great and stirring events: the assassination of President Lincoln, news of which had just reached London by mail, and the confession of Constance Kent. This had first been reported the day before. On April 25th, she had appeared before the magistrate at Bow Street and made full confession of the murder, completely exonerating her father, the nurse, and all others, from any part in the deed, or knowledge of it. She was accompanied by a Rev. Mr. Wagner, curate of a church at Brighton, where she had been living in a religious retreat for two years. The *Times* asserts that she had made a partial confession to one of her relatives, about a year after the murder, but that the police had not felt justified in proceeding upon such evidence as this had afforded. Now, acting under religious convictions, she desired to make full acknowledgment, and suffer the consequences.

She stood in Court a few months later, and thrice pleaded guilty to the charge of murder. Her counsel was John Duke Coleridge, afterward Lord Chief Justice. She was condemned to death, but the sentence, in view of her youth, was commuted to life imprisonment. Youth, as with Loeb and Leopold, saved her

from the gallows, rather than any plea of insanity. In spite of her mother's condition before her birth, there seemed to be no reason for thinking her insane; the physicians who made a careful examination of her, after the sentence, reported that she was not and never had been insane. She served twenty years in prison, and was released, a woman of forty-one, in 1885. She could be living still; nobody knows what became of her. It is said that she went into another religious retreat; also that she went to a foreign country.

Her confession is a singular and appalling document. It forms part of a letter to the newspapers from the physician who examined her as to sanity. This is it:

Constance Kent says that the manner in which she committed her crime was as follows: A few days before the murder she obtained possession of a razor from a green case in her father's wardrobe, and secreted it. This was the sole instrument which she used. She also secreted a candle with matches, by placing them in the corner of the closet in the garden, where the murder was committed. On the night of the murder she undressed herself and went to bed, because she expected that her sisters would visit her room. She lay awake watching, until she thought that the household were all asleep, and soon after midnight she left her bedroom and went downstairs and opened the drawing-room door and window shutters. She then went up into the nursery, withdrew the blanket from between the sheet and the counterpane, and placed it on the side of the cot. She then took the child from his bed and carried him downstairs through the drawing room. She had on her nightdress, and in the drawing room she put on her galoshes.

Having the child in one arm, she raised the drawing-room window with the other hand, went round the house and into the closet, lighted the candle, and placed it on the seat of the closet, the child being wrapped in the blanket and still sleeping, and while the child was in this position she inflicted the wound in the throat. She says that she

thought the blood would never come, and that the child was not killed, so she thrust the razor into its left side, and put the body, with the blanket round it, into the vault. The light burnt out.

The piece of flannel which she had with her was torn from an old flannel garment placed in the waste bag, and which she had taken some time before and sewn it to use in washing herself. She went back to her bedroom, examined her dress, and found only two spots of blood on it. These she washed out in the basin, and threw the water, which was but little discoloured, into the footpan in which she had washed her feet overnight. She took another of her nightdresses and got into bed. In the morning, her nightdress had become dry where it had been washed. She folded it up and put it into the drawer.

Her three nightdresses were examined by Mr. Foley, and she believes also by Mr. Parsons, the medical attendant of the family. She thought the bloodstains had been effectually washed out, but on holding the dress up to the light a day or two afterward, she found the stains were still visible. She secreted the dress, moving it from place to place, and she eventually burnt it in her own bedroom, and put the ashes or tinder into the kitchen grate. It was about five or six days after the child's death that she burnt the nightdress.

On the Saturday morning, having cleaned the razor, she took an opportunity of replacing it unobserved in the case in the wardrobe. She abstracted her nightdress from the clothes basket when the housemaid went to fetch a glass of water. The stained garment found in the boiler hole had no connection whatever with the deed. As regards the motive of her crime, it seems that, although she entertained at one time a great regard for the present Mrs. Kent, yet if any remark was at any time made which in her opinion was disparaging to any member of the first family, she treasured it up, and determined to revenge it. She had no ill-will against the little boy, except as one of the children of her stepmother.

She declared that both her father and her stepmother had always been kind to her personally, and the following is a

copy of a letter which she addressed to Mr. Rodway on this point while in prison before her trial:

Devizes, May 15th.

SIR:

It has been stated that my feelings of revenge were excited in consequence of cruel treatment. This is entirely false. I have received the greatest kindness from both the persons accused of subjecting me to it. I have never had any ill-will towards either of them on account of their behaviour to me, which has been very kind.

I shall feel obliged if you will make use of this statement in order that the public may be undeceived on this point. —I remain, Sir,

Yours truly,
CONSTANCE E. KENT

TO MR. R. RODWAY.

She told me that when the nursemaid was accused she had fully made up her mind to confess if the nursemaid had been convicted; and that she had also made up her mind to commit suicide if she herself were convicted. She said that she had felt herself under the influence of the devil before she committed the murder, but that she did not believe, and had not believed, that the devil had more to do with her crime than he had with any other wicked action. She had not said her prayers for a year before the murder, and not afterwards until she came to reside at Brighton. She said that the circumstance which revived religious feelings in her mind was thinking about the sacrament when confirmed.

An opinion has been expressed that the peculiarities evinced by Constance Kent between the ages of twelve and seventeen may be attributed to the then transition period of her life. Moreover, the fact of her cutting off her hair, dressing herself in her brother's clothes, and then leaving her home with the intention of going abroad, which occurred when she was only thirteen years of age, indicated a peculiarity of disposition, and great determination of

character, which foreboded that, for good or evil, her future life would be remarkable.

This peculiar disposition, which led her to such singular and violent resolves of action, seemed also to colour and intensify her thoughts and feelings, and magnify into wrongs that were to be revenged any little family incidents or occurrences which provoked her displeasure.

Although it became my duty to advise her counsel that she evinced no symptom of insanity at the time of my examination, and that, so far as it was possible to ascertain the state of her mind at so remote a period, there was no evidence of it at the time of the murder, I am yet of opinion that, owing to the peculiarities of her constitution, it is probable that under prolonged solitary confinement she would become insane.

To-day, her crime would be attributed to bobbed hair, or moving pictures, or jazz, or cigarettes, or modern dancing, or the Volstead Act, or hip flasks, or Nietzsche, or motor cars. Yet all those incitements to crime were absent in 1860. The word "flapper" had not come into currency to scare those who are terrified by terms; and by whatever name "petting parties" were called, it is pretty sure that Constance Kent never took part in them. If a murder like this occurred now, we should hear much about the modern lack of respect for parents; or the absence of religion in the home. But the Kent household was notably religious; Sunday observances of all the forms and daily family prayers were the invariable custom. Yet there stood Constance Kent, the primal eldest curse upon her, red to the wrists in her brother's blood.

In the histories of extraordinary murders there are occasionally moments strongly impressive, tragic, and endowed with the ability to haunt the reader for ever after: Burke and Hare carrying their sack through the streets; Professor Webster alone and in terror in his laboratory as he tries to dispose of his victim; the half-

dreadful, half-farcical scene of Smith in the bathroom; Bram stealthily creeping about the cabin of the *Herbert Fuller;* and that hour between the two murders while the assassin of the Bordens waited in the silent house. With such moments belongs that terrible scene when Constance Kent leaned over her dead brother, as the candle flickered, dimmed, and went out, leaving them both in darkness.

X

Hell Benders; or, *The Story of a Wayside Tavern*

The wholesale murderer is often the grimmest and most disagreeable character in all the list. He has, however, the power to provoke myth and legend; to fire the imagination; and to set the human mind at work constructing tales of giants and goblins. Rather prosaic persons become ecstatic in thinking about him; soon they have him enlarged to the proportions of a monster of heroic size; a werewolf; something with which to scare generations of children.

This was perfectly illustrated in Mr. C. K. Munro's play, "At Mrs. Beam's." Two or three elderly gossips sit in a London boarding house, chilling their blood with talk about Landru, the French "Bluebeard," then supposed to be at large in Paris. It pleases them to fancy that he may have escaped and have come into their very midst, in the person of a mysterious boarder —who happens to have a Paris label on his luggage. Their conversation is something like this:

"They say that he has killed *dozens* and *dozens* of women!"

"And *eaten* them!"

"No, no; I hardly believe that; I doubt that."

"I understand that he *always* eats them."

"Well, at all events, he has killed *hundreds* of women!"

"No, my dear. Let us be just. We *must* agree to be just. Not hundreds. *Thirty-nine*. That is a better figure. Yes; we can agree, I think, on thirty-nine."

By what reasoning this lady has arrived at the figure thirty-nine, she does not say. She has, as a matter of fact, no more basis for her opinion than has the lady who prefers to deal in hundreds; but she makes her assertion with as much quiet assurance as if she had been in direct communication with the Ministry of Justice.

The wholesale murderer is of two kinds: the wandering and the stationary. Of the wanderers, Landru is the famous example of our own time; so, in a lesser degree, is the Englishman, G. J. Smith, of the "brides in the bath" case. He is far more interesting than the Frenchman, to my mind, since he invented a new way to commit murder. There is also H. H. Holmes, the American. Still living (until recently, at all events), in San Quentin prison, California, is one of the strangest and least-known of them all: J. P. Watson,* a mild-looking little man, who was believed by some persons to have married twenty-one women within a space of three years, and to have slain nine of them. These figures, especially the marriages, are open to question; but the facts seem to have been bizarre enough.

Of the wholesale murderers who remain stationary and carry on their trade at home, the Edinburgh firm of Burke and Hare will suggest itself. In the neighbourhood of Laporte, Indiana, the memory will not soon perish of Mrs. Gunness and her establishment, which the newspapers invariably called the "murder farm."

* His great predecessor, Mr. Holmes, perished, at the hands of the law, in 1896. The Californian came too late to remark: "Really, my dear Holmes!"

The lonely farm, or better still the wayside tavern, where the solitary traveller comes but never departs—this has been a favourite subject for stories, true or fictitious, ever since stories have been told. In how many secluded places in Europe must there have existed these inns of evil repute; some of them furnished with beds which slowly sank into the cellar, where the inn keeper and his assistants, armed with "stout" cudgels, awaited the sleeping traveller. Others relied upon the bottle of drugged wine, and still others upon the midnight visit to the bedside of the hapless stranger, with the gleaming dagger, or other familiar properties. It is really a part of the folklore of every nation.

Except America. Attempts have been made to domesticate it here, but we have usually preferred brisker and less gloomy methods of assassination. Frequently they have been emigrants from the older countries who have tried to inaugurate this business on our soil; Mrs. Gunness originated, I think, in Norway, while the remarkable family whose history is the subject of this chapter, seem to have brought the idea with them from one of the other countries of northern Europe. This is a pleasant subject for patriotic reflection, and in this field rather a rare one, for when we discuss the virtuous superiority of Americans over the other nations of the earth, we are wise if we slide discreetly over those branches of sin which include murder and all forms of the taking of human life.

Late in the year 1870, there appeared in Labette County, Kansas, a family of four persons: John Bender and his wife; their son, or reputed son, John, and his sister, Kate. Almost everything about them is in dispute, and it is often said that the younger man was really John Gebhardt, the son of Mrs. Bender by a

former husband. It is also asserted that Kate Bender was not the sister, but the mistress of the younger man. Many imaginary but no authentic portraits of the quartette are in existence, and these differ as widely as do the written descriptions of them. One portrait of old Bender shows him as a stolid peasant, not remarkable in any way; another makes him a shaggy-looking monster from a nightmare. The young John is depicted as a commonplace-looking man, under thirty; but, elsewhere, it is said that his face "had the fierce malice of the hyena." Concerning the appearance of Kate Bender, the writers have done their best, with the result that you may read that she was "a large, masculine, red-faced woman"; that she was a rather good-looking red-haired girl; or that she was a siren of such extraordinary charms that one has to call on every famous beauty, from Cleopatra to Mrs. Langtry, for suitable comparisons. She was the most interesting of the family; her father was a poor second; while the elder Mrs. Bender and young John were tied for third place.

From some official descriptions of them, issued by Governor Osborn of Kansas at a time when he was dealing in facts, rather than impressionism, these details are selected: John Bender was about sixty years old, and of medium height. He was a German, and spoke little English. He was dark, spare, and wore no beard. His wife was ten years younger; heavy in frame; had blue eyes and brown hair. There was nothing distinctive about John Bender, Jr.; he was twenty-seven, of slight build, wore a light brown moustache, and spoke English with German pronunciation. Kate was "about twenty-four years of age, dark hair and eyes, good-looking, well formed, rather bold in appearance, fluent talker, speaks English with very little German accent."

Everybody agrees on two matters: old Bender was

a disagreeable, surly fellow; and Kate was notably attractive to the men of that region, who found her pleasant, vivacious, and a desirable partner at the occasional country dance. She danced well, was a good horsewoman, and went to Sunday school and to "meetin's" in the schoolhouse. For a few weeks, in 1871, she condescended to act as waitress in the hotel at Cherryvale. There was about her, however, a more marked peculiarity: she believed in spiritualism, lectured on the subject, and claimed to be a medium, with the power to call up spirits of the dead. Her lectures, in the various towns of the county, caused a mild sensation. This was the decade when lecturing women aroused great curiosity and antagonism; often they were accused, not only of the offence of seeking to vote, but also, like the Claflins, of advocating various degrees of laxity of morals. How much these lecturers actually risked by putting themselves too far in advance of their time, and how far the reports about them were the exaggerations of horrified men, determined to put down the pestiferous creatures, by foul means or fair, it is always hard to discover. The stories about Kate Bender's lectures soon pass over, I think, into legend as fantastic as the accompanying picture. The alleged fragment of one of her manuscripts, found in the house, in which she gravely advocates one or two crimes, including murder, may safely be attributed to some imaginative journalist.

A curious light is thrown upon Kate Bender's character by an advertisement which she seems to have had published in some of the newspapers in neighbouring towns, about a year before she became nationally famous. This was it:

> Professor Miss Kate Bender can heal disease, cure blindness, fits and deafness. Residence, 14 miles east of Independence, on the road to Osage Mission. June 18, 1872.

Nothing at all is really known about the antecedents of the Benders. The older man described himself to a neighbour, one of the township trustees, as "a Hollander, who had lived in Germany, near the French line, where he had been a baker." The younger man said that he had been born in the United States. A neighbour, by the way, at this date, and in this part of Kansas, might mean a man whose house was not more than ten miles distant.

As in the contemporary accounts of the murder of Captain White in Salem, the aspect of Essex County, Massachusetts, becomes wildly romantic, with caves, fastnesses, and gloomy forest glades, so the section of Kansas over which the Benders cast their spell has been described as one of dismal swamps, rugged cliffs, and other awe-inspiring bits of scenery. It was, in fact, cheerful and pleasant country: high, rolling prairie. For a short time, the Benders lived on the claim of a German named Rudolph Brockmann—a disastrous acquaintanceship for this harmless citizen. At last, however, after one move, they built a frame house on the main road from Parsons to Cherryvale, about seven miles northeast of the latter town. This road was used by travellers from Fort Scott and the Osage Mission to the town of Independence, and southwest to the Indian Territory, now Oklahoma.

Travellers were mounted as a rule, or driving a team —a pair of horses with a wagon or carriage. Men often went armed; the traditions of frontier days were not past, although there was seldom any use for weapons. The inhabitants were, ordinarily, peaceable, kindly folk; the horror which was aroused by subsequent events shows how shocking to them were lawlessness and bloodshed. Nevertheless, there were, still living, men of the pioneer times, and men who had been through both the wars—the lesser war and the great

Civil War—which had racked Kansas. These men knew how to handle a horse and a rifle, and in the face of certain crimes did not always care to wait for the slow procedure of courts, nor for the aid of the public executioner.

The Bender family moved into their new house in the spring of 1871. It was built in a small hollow at the end of a long vale in the prairie. Near by was a stream, Drum Creek, bordered with thickets of wild plum and of cottonwood trees. The house seems to have had but two rooms, divided by a heavy curtain. The Benders professed to offer entertainment for man and beast: there was a small stock of tinned food and other supplies for sale in the front room; somewhere or other in the house sleeping space was found for travellers who cared to stay all night; while their horses could be sheltered in a stable in the rear. Back of the stable and house were a garden and orchard.

For a year and a half, the Benders seem to have lived the usual life of a family in that region, and to have attracted no especial notice, favourable or otherwise. Many of their neighbours, men and women who were living recently, remember meeting and talking with them. The two younger members of the family were often absent from their wayside tavern for days at a time; John Bender, Jr., on business unexplained, and Professor Miss Kate on her lecturing tours in Parsons, Oswego, Labette, or Chetopa, holding séances for the purpose of calling spirits from the grave; or perhaps exercising her remarkable curative powers upon persons afflicted with blindness, fits, or deafness. It is believed, however, that her most remarkable and permanent cures were effected, not during these visits, but upon patients who came for office consultation and treatment at her residence on the road to the Osage Mission.

It is impossible to determine exactly when it began to be rumoured in the country round about that there was something queer in the Bender ménage. Nearly everything about them and their performances depends upon statements never tested in a court of law; never sifted by cross-examination. Reputable persons can be found making assertions of an exactly opposite nature, and with perfect sincerity. With many people, no form of belief is held so tenaciously as that founded upon nothing more certain than local tradition and impressions acquired in childhood. They simply *know* that certain things are true because they have always been told that they were true. A number of the early adventures of travellers at the Bender house, and a number of fortunate escapes therefrom, sound much like things remembered—with additions—after the event. It is said, probably with truth, that the Benders did not begin their peculiar operations until the autumn of 1872, and that their entire career in the business which made them famous was during a period of about six months. Whatever they did during the autumn and winter of 1872 to 1873 caused no public outcry or investigation. It was not until the disappearance of Doctor York that any general suspicions were aroused.

Early in March, 1873, Dr. William H. York, who lived at Independence, was visiting his brother, Colonel A. M. York, at Fort Scott. On the ninth of the month, he left his brother, intending to ride to his own home. He was well mounted; had a good saddle; and carried a large sum of money and a fine watch. He spent the first night at Osage Mission, and left there on the morning of March 10th. Some of his friends met him, riding alone, on the road near the Bender house. He told them that he intended to stop for his midday dinner at the Benders'. And that was the last seen of Doctor York.

A considerable time, perhaps as much as two or three weeks, elapsed, and Colonel York was making a determined search for his brother. He traced him to a point on the road a few miles east of the Benders', but could get no farther in his investigations. At Independence he heard rumours of a strange adventure which two other travellers had experienced while dining with the Benders. These men had become convinced that they were about to be attacked; they left the house hurriedly; one of them went to the stable and brought out their carriage, while the other stood with a drawn revolver to cover the retreat. They believed that they were fired at, as they drove away toward the town of Parsons.

Colonel York prevailed upon twelve men from Cherryvale and elsewhere to visit the Bender house with him. They made the call on April 24th and had interviews with all that engaging group. Old Mrs. Bender, it was true, muttered something about a crowd of men disturbing a peaceable family, but the others were affable enough. Young John, who had been sitting by the side of the road with a Bible in his hand, searching the Scriptures, said that he had often been shot at by outlaws near Drum Creek. Doctor York had had dinner with them, Miss Kate had served it; on his departure, he had been foully slain, so the young Mr. Bender believed, by these same audacious bandits. One of the party, believing in spectral aid, asked Professor Miss Kate to consult the spirits, but she replied that there were too many unbelievers present; the spirits would be reluctant to assist. She made an appointment with him for a séance, alone, five days later. The men of the family helped Colonel York and his friends drag Drum Creek and search elsewhere. Altogether, they convinced Colonel York of their desire to aid him and of their ignorance of the fate of his brother. So

the Colonel and his followers departed, and came not there again for eleven days.

On May 5th, with a larger number of men, who were still of the opinion that the Benders were somewhat maculate, he returned, to find the neighbours already on the premises. On the day before, May 4th, two brothers named Toles, who lived near by, were passing the Benders' house at eight in the morning. The agonized lowing of a calf attracted them; they found the animal nearly starved in its pen, while its mother was standing outside in as great distress to nourish her child as the calf was to be fed. They turned the two together, and then knocked on the door to see if the folk inside were ill and in need of help. There was no response; they looked in at the windows—the house was empty and in confusion, as if after a hurried departure of the family. This, in fact, had taken place. The Benders left, it is believed, on the night of April 29th, five days after Colonel York's first visit. The house had therefore been abandoned for four or five days.

On Monday, May 5th, when Colonel York and his men arrived, the door had already been broken open and the place was under examination. Aside from the clothing on the floor, household utensils, and "manuscripts" of the lecturer, there was, at first, nothing remarkable to be seen. A trapdoor in the floor of the rear room was opened, and some of the men entered the cellar. This led by a tunnel toward the garden and orchard. On the floor of the cellar were damp spots which seemed to be human blood.

The search had been in progress for some length of time when Colonel York, standing in the rear of the house, and looking toward the orchard, suddenly remarked:

"Boys, I see graves yonder in the orchard!"

They laughed at him, and suggested that he had

graves on the brain. Presently others were convinced that there were a number of long, narrow depressions, like graves, in the ground which old Bender had always kept freshly ploughed and harrowed. Soundings were made, with disquieting results, and presently spades were procured and one of the hollows was opened. At a depth of five feet, they discovered the naked body of a man, lying face downward. It was lifted out, and Colonel York's search for his brother was at an end.

Amid great excitement, everybody set to work, and other graves were opened, until the orchard was thoroughly excavated. They found eleven bodies: nine men, a young woman, and a little girl. The skulls of all, except that of the child, had been crushed in one or more places from a blow with some blunt instrument like a sledge hammer. The girl was found lying under the body of her father, and from the absence of any wounds and from other indications, it appeared that she had died by suffocation; had, in fact, been buried alive.

Except for the young woman and one of the men, all the victims were identified, then or later. Three of the men, at least, had been known to be carrying large sums of money. These were a man named McKigzie, and two others, William F. McCrotty and Benjamin M. Brown. The two latter had three thousand dollars between them, so the Benders carried an unknown but considerable amount of loot when they fled. The number of bodies varies in different accounts: to the eleven buried in the orchard are added, by one writer, two or three skeletons afterward discovered in or near Drum Creek and attributed to the work of the Benders. Other authorities set the figure at from seven to ten. The histories of Kansas set the number, conservatively, at seven. The names of the nine in the orchard who

were identified are given, however, in more than one published account, so I think that, bearing in mind the counsel of the lady in the play to "be just," we can credit the Bender family with the murders of from ten to twelve persons.

The exact figures did not matter to the men who had carried on the search. When the body was exhumed of Doctor York—a man well liked and respected—and when the pitiful spectacle was revealed of the little girl, evidently put still living into the ground, and buried beneath the dead body of her father, there was an immediate desire for vengeance upon somebody, and the spirit of a lynching mob swept over the group.

Rudolph Brockmann, fellow countryman and neighbour of the Benders, had been helping in the search. He had worked as hard as any of the others; there was no reason to suppose that he did not share their horror at the murders. Nothing has been alleged against his character, but the mere fact told against him that he had talked with old Bender in a foreign language. He was questioned closely as to his knowledge of the crimes, and while the group of excited men stood around him, some one—the usual fool—shouted:

"Get a rope!"

This was done: a noose was put around Brockmann's neck, and he was pulled aloft from a tree branch or whatever was the nearest support. After a moment or two he was let down and given a chance to confess. He protested his innocence—and he probably spoke the truth. He was again hauled up and let down, until he was nearly choked to death. At last the mob were satisfied; the cooler and more reasonable men prevailed upon the others to cease; Brockmann was liberated and allowed to go home.

The process of the murders became apparent from an examination of the arrangement of the house, to-

gether with what could be learned from some of the surviving travellers who had taken a meal there. The diner sat on a bench or chair, with his back to the curtain which separated the two apartments. Sometimes he was entertained with pleasant conversation by whichever of the ladies was serving the meal. This was generally the younger one. One or two of the men of the family, attending behind the curtain with a sledge hammer, could await the moment when the guest, taking his ease, leaned back and showed the outline of his head. Or the curtain was perhaps moved cautiously forward to meet him. The first blow, sufficient to stun him, if not to kill, was then delivered through the curtain. After that, the Benders worked rapidly. The body was dragged to the rear room, robbed and stripped. The trapdoor being opened, one of the family cut the victim's throat and tumbled him into the cellar. If this happened by day, all was then secure, until night, when the dead man could be carried to the orchard and buried. Great precautions had been taken to keep the graves from becoming noticeable; these were successful at the time of Colonel York's first visit and nearly successful the second time.

Many stories are told of the part which Professor Miss Kate took, as the meal was served to a traveller. Sometimes she merely charmed him with her good looks, agreeable manners, and light table-talk. If he were docile, and took his chair as she set it, closely snuggled up against the curtain, she became an especially gracious hostess. But if he disliked the arrangement of things, became captious—as we all of us do at times—about the method of seating the guests, she would begin to sulk. Her conversation lost its sparkling qualities, and the dinner was practically a failure, from the point of view of both guest and hostess. One or two suspicious persons had moved to the other side of

the table, so as to face the curtain; and two especially nervous gentlemen, who perhaps heard the sound of shuffling feet, and of heavy breathing behind the arras, insisted upon eating their meal standing up—which annoyed the Benders almost to the verge of incivility.

The romantic school, among the Benders' historians, have it that Kate dealt in mesmerism and other psychic methods of allaying suspicion and putting the traveller at his ease. There seems to be little doubt that she conversed with many of them upon spiritualism, and found willing listeners. The eagerness with which these hardy pioneers listened to her revelations upon the subject, suggests the facility with which all kinds of mediums, clairvoyants, crystal gazers, and soothsayers find their clients to-day, not among poets, artists, and the so-called impractical classes, but among "hard-headed" business men.

The Benders had four or five days' start; they vanished into darkness. Vigilance committees, mounted posses of men, soon started in pursuit, but the result of their efforts is a disputed theme in Kansas. Here are some of the beliefs—all of which are stated with much assurance:

First—they got away and were never seen again.

Second—they went by wagon to Chanute, and bought tickets to some point in Texas. Leaving the train, however, at Chetopa, they started on foot through the Indian Nation (Oklahoma). They were overtaken, as they were about to cross the Grand (?) River, and all hanged. This is related by Colonel Triplett; he was present at the search of the Bender house. He discredits it, however, as probably "a mere sensational story." Various persons, as he points out, were being arrested for months afterward, and taken to Oswego, Kansas, for identification. This would not have happened if the

Benders were really dead. At Chanute (then called New Chicago) a pair of horses with a wagon were left hitched to a post, and without food or water for two days, before any one realized that they had been abandoned. This wagon was thought either to have been left by the Benders, or else by confederates, as a false clue to mislead pursuers.

Third—Captain Duke, in compiling his "Celebrated Cases," wrote to the chiefs of police of Cherryvale and Independence, Kansas. The replies are dated 1910. Chief Kramer of Cherryvale wrote that his father-in-law lived on a farm adjoining the Bender place and helped find the bodies. When he was asked what became of the family, he would give a knowing look, and reply that they would never bother any one else. After the Vigilance Committee had gone in pursuit, old man Bender's wagon was found by the roadside riddled with bullets. Chief Kramer adds: "You will have to guess the rest." Chief Van Cleve of Cherryvale wrote that he had lived in that town for forty years, and it was his opinion that the Benders never escaped. Some of the Vigilance Committee were still living, in 1910; they would not talk, but would look wise when the subject was mentioned. They smiled at reports of recent discoveries of the Benders.

Fourth—the Benders were members of a large and well-organized gang of desperadoes and horse thieves, operating on the southern border of Kansas, in the Indian Territory, and in Texas. This accounts for the disappearance of all the horses and wagons which were stolen from their victims. Some of the gang helped the Benders to escape.

Fifth—still another theory is that they went by railway from Thayer to Humboldt, Kansas, a small town on a railroad which ran to Vinita, Indian Territory, and thence to Denison, Texas. They travelled on that

train to the south and disappeared for ever. This theory is arrived at by the process of eliminating other possible routes. It is given, apparently as the opinion of the author, in the book by Mr. J. T. James—the most complete and rational work on this subject which I have seen.

There are undoubtedly many other theories. The chief problem is not the route by which they escaped, but the question whether they escaped at all. The posse which started in pursuit divided into four parties; many of these men were veterans of the Civil War; they were skilful, brave, and determined. One party went south toward the Indian Territory: they were seven in number, under command of a former captain in the Union Army. Another party went toward Thayer, Kansas; a third toward Cherryvale and Independence; and a fourth toward Parsons and thence to Oswego. Three of these groups returned in a few days, in the belief that the Benders had escaped. The Captain and his seven men came back from the Indian Territory saying that they had given up the chase. They instantly dropped the subject and would never talk about the Benders again. To some persons, this fact was indication that they had caught and lynched the whole family.

In favour of the theory that they were caught are the character and skill of the men who went in pursuit, the fact that no satisfactory trace of the Benders was ever found again, and the statements of the police chiefs of Cherryvale and Independence. To account for the singular and unnecessary silence about their success, it has been said that when the Benders were captured they were carrying seven thousand dollars. Their captors decided that this was prize money, and after the Benders were "laid under the ground," divided it amongst themselves. To avoid any further discussion about the ownership of this money, they

agreed upon complete silence and kept their agreement.

Against the theory of the capture and in favour of the belief that the Benders got away, it may be urged, first, that they had a long start. Second, there was no reason for reticence if anybody did catch the fugitives —lynching the Benders would not have imperilled anybody's popularity. Next, in 1880, the Commissioners of Labette County offered a reward of $500 for proof that they were taken and put to death. The reward was not claimed. Finally, there were found, as late as 1889, a number of reputable citizens, willing to take oath that they recognized two living women as Mrs. Bender and Kate. It is true that they were quite mistaken in this identification, but the fact shows that these persons, who had known the Benders, did not believe that the whole family had been exterminated.

The Benders are, in a sense, deathless. Certainly they are immortals in Kansas, and even elsewhere. Two years ago it was surprising to note that a South African, Mr. William Bolitho*, writing in London, included in his book of essays, "Leviathan," a few pages entitled "Old Man Bender's Orchard." The account is founded on Captain Duke's narrative of the case. But the Benders made their first and only appearance in Court, by proxy, in the years 1889–90. This was at Oswego, Kansas, when, for a while, Kate and old Mrs. Bender were resurrected to the satisfaction of a certain number of people.

About 1886, there was living in McPherson, Kansas, a washerwoman named Sarah Eliza Davis, who had come thither from Michigan. One of her employers was a lady named Mrs. Frances McCann, a dreamer of dreams and a seer of visions. Mrs. McCann, in the

* Author, recently, of "Murder for Profit," an interesting study of wholesale murderers.

dead vast and middle of the night, dreamed of the murder of an old man by an old woman and her daughter. Much perturbed, she laid the matter before the nearest expert, her washerwoman, Mrs. Davis. This lady expounded the dream as follows: the murder was at Windsor, Canada. The murdered man was John W. Sanford, while the murderesses were the mother and elder sister of Mrs. Davis, the gifted washerwoman. It happened when she—Mrs. Davis—was a little girl. Mrs. McCann was the daughter of the murdered man. And, to make it trebly interesting, the wife of the murdered Mr. Sanford afterward married Edward Stokes of New York, the man who shot Jim Fisk.

Mrs. McCann had long been curious about her parentage, which was mysterious. An enthusiastic traveller, she set out for Kentucky, and for the orphan asylum in which she had spent her childhood. There she learned as she had expected—that her name was Sanford. Next to Windsor, Canada, where she verified the murder of old Mr. Sanford. Then back to her home in McPherson, to dog the footsteps and penetrate the most secret recesses of the mind of the sinister washerwoman. Mrs. McCann, not less gifted than Professor Miss Kate Bender, practised mesmeric and hypnotic rites upon Mrs. Davis; visited her while sick; played tricks on her with a magnet, and generally bedevilled her for months. One day, it came over Mrs. McCann, "like a flash," that Mrs. Davis and her mother were really the Bender women.

Now there is only one infallible way to get information, and that is to have it come over you like a flash. Once that happens, you need fear neither powers nor principalities; your knowledge is founded on a rock. She set traps, and one day, when Mrs. Davis's hands were deep in the suds, asked her suddenly how many there were in the Bender family. Said Mrs. Davis:

"Well, let me see. There was Mother——"

Then she stopped, and throwing up her hands, cried out:

"Now you have my secret! I have told you all."

Not long afterward, Mrs. Davis, with her two little children, moved back to Michigan. Here she was speedily followed by the sleuth hound, Mrs. McCann, bent on bringing the whole detestable gang to justice. She found Mrs. Davis's mother, Mrs. Almira Griffith, living at Niles, Michigan. Mrs. McCann shadowed them by day, and often spent the whole night in outbuildings upon the premises to keep watch upon them, and prevent their escape. Consultations with the local police, who said these women had a bad reputation; correspondence with the authorities in Labette County, Kansas; communications between the Kansas and the Michigan officials; an investigation by an agent; legal formalities and delays; and, in November, 1889, sixteen years after the flight of the Benders, Mrs. Davis and Mrs. Griffith were brought into Court at Oswego, charged with the murder of Doctor York. The only question upon which the Court had to pass was the identification of these women with the Benders. Mrs. Davis was charged with being Kate Bender. A number of the county officials were really convinced that they had the two female Benders in custody.

The State called eleven and the defence called six witnesses. Some of the State witnesses positively asserted that these were Mrs. Bender and Kate; others showed great hesitation about it. One of the witnesses for the State was Mr. Rudolph Brockmann, who must have had unpleasant recollections of the family. His career, since the day he had been half hanged, had been respectable, and his testimony sounds like that of a truthful man. He made a bad witness for the State, as he was fairly certain that these were not his former

neighbours. Mrs. Davis and Mrs. Griffith both testified, and disclosed some incidents in careers which were checkered with matrimonial and extramatrimonial adventures and not free from collisions with the law. There must, however, have been some resemblance between these wretched women and the Benders, for after hearing arguments on both sides, the three justices decided that there was sufficient cause to hold them for trial before the higher Court.

They had been defended by Mr. J. T. James, and by a Judge Webb, who would appear to be one of the travellers who left their dinners uneaten and departed in haste from the Bender house at about the time of the murder of Doctor York. These attorneys had great difficulty in getting any help from their clients, as the past which they could disclose was sufficiently dubious to make the ladies very reticent. During the interval after the first hearing, Mr. James secured, in Michigan, such convincing affidavits as to the identity of Mrs. Griffith that the County Attorney abandoned the prosecution against both women and obtained their discharge. The reason set forth in these affidavits why Mrs. Griffith could not have engaged, as Mrs. Bender, in the slaughter of travellers in Labette County, in 1873, was that she was occupied at that time, to the exclusion of everything else, in serving a term in a prison in Detroit, on a charge of manslaughter.

Her daughter, Mrs. Davis, was described as a "colossal liar," a notoriety seeker, with a strange taste for involving her family and herself in false accusations of crime—as if they did not have a sufficient number of real ones to answer. Probably she was determined to amuse her employer, Mrs. McCann, at all costs.

That lady, the dreamer and resolute detective, is easily the most important personage in this epilogue to the Bender story. I wish that I could reproduce her

picture here, as well as the fanciful one of Miss Bender; it deserves a place no less. While the hearing went on, and the two women from Michigan sat in the shadow of the rope, Mrs. McCann occupied a seat inside the bar, near the prosecuting attorney. She took careful notes. She was of slight figure, weighing only about ninety-five pounds. She had large, penetrating gray eyes, and a prominent chin. Her features were passive, no matter what turn the evidence was taking.

No doubt that her chin was prominent; she had more determination than a whole community of other women. She said that she was guided by intuitions, by impressions made on her mind by some mysterious influence. She had not seen her family for six months, so busy had she been in tracking down the imaginary murderesses of her imaginary father. She was sure that she was right, and would have stuck by her guns, even if every old resident and neighbour of the Benders had sworn that these women were other than what she accused them of being.

A heroic figure in a good cause, but a dreadful enemy. I am not sure that any man in Kansas would not have been safer in the clutches of Professor Miss Kate Bender. If he could not fight, or run, that person might have taken his money and his life, but he could have kept, in the grave, his good name. If, however, Mrs. McCann should have it come over her, like a flash, that he was guilty of anything whatever—of piracy on the high seas, committed within the borders of Kansas—the destruction she would visit upon him might be dreadful. She would blast his reputation and set him on the gallows—and do it all in the name of righteousness.

XI

The Bordens: A Postscript

Superlative statements are always unwise, if not dangerous, and to begin a book with one—or two—of them, would seem to be a fine example of foolishness. More than two years ago, in writing an essay on the Borden case, which opens the book called "Studies in Murder," I ventured upon two sweeping claims:

"The Borden case is without parallel in the criminal history of America. It is the most interesting, and perhaps the most puzzling murder which has occurred in this country."

From those who did me the honour to read the essay, there have come a great number of comments, but hardly one person has seriously challenged these rash and inclusive sentences. From a novelist, I think, came the suggestion that "a great murder must always have a 'love interest' in it." This, I must respectfully deny, and call as witnesses to my support, persons mentioned in this volume: Louis Wagner and Professor John W. Webster. A newspaper editor also said that the lack of a love affair in the story troubled his journalistic sense; he wondered, further, why the editors of the day paid so much attention to it. (The fact remains that the metropolitan papers sent their best reporters to the trial.) And the writers of reviews in one or two

Chicago journals commented, with faint bitterness, that once more a provincially minded New Englander was ignoring the claims of Chicago as the world's centre in the particular industry which was studied in my book. Had I never heard of Messrs. Loeb and Leopold, inquired one of these writers, that I should make such claims for Fall River, Massachusetts?

To this I could have answered that I had heard of those young men; their fame was in the ascendant the month my book was finished. And that, moreover, I am unrepentant, believing firmly that the unknown assassin of Mr. and Mrs. Borden could give the two bright youths from Chicago not only cards and spades, but a stroke a hole, half-fifteen, ten yards start, and any other handicap known to sport, and still beat them, hands down—in courage, in coolness, in resolution, in audacity, in intellectual power, and in everything that goes to make up the "perfect murder," which they set out to commit and so egregiously foozled.

For the most part, however, there seemed to be few who strongly disagreed with my incautious superlatives about the Borden case. It is probable that whoever reads the pages which follow this will be more or less familiar with that crime, from reading some other account of it, or from reading my own. What is to be said will have slight interest to any one who now hears of the murders for the first time, but merely to avoid being mysterious and elusive, I will give a brief outline of them.

An elderly gentleman and his second wife, Mr. and Mrs. Andrew Borden, were found killed in their home, a small house in the centre of the city of Fall River. The time was about noon of a day in August, 1892. Their heads had been savagely hacked, almost to pieces, with some sharp instrument, apparently a hatchet. The

discoverer of the murders, or of the murder of Mr. Borden, was his daughter, Miss Lizzie, a lady about thirty-two years old. The only persons in the house, so far as known, when the attack was made, were Miss Lizzie Borden and a servant. The latter was upstairs, taking a nap in her room; while the former had gone, for a few minutes, to the barn, which was very close to the house, in order to "get some lead sinkers for a fishing line." A strange fact about the double murder was that although the street was narrow, with houses close on both sides, inhabited by hawk-eyed neighbours who usually observed everything which happened, nobody had seen any stranger come or depart. Further, as the doors of the house, outside and in, were always kept rigorously locked, it was hard to see how any stranger could get in. Finally, the astonishing fact appeared, as a result of the autopsies, that the murders had taken place from an hour to an hour and a half apart; Mrs. Borden having been killed soon after breakfast; the murderer then waiting concealed from sight in this small house, and invisible both to Miss Borden and the servant, until Mr. Borden returned home from the town, at about eleven o'clock. Then, within a short time after his arrival, and a very few moments from the time his daughter had been conversing with him, Mr. Borden had been attacked and slain, as he lay taking a nap upon a couch, downstairs.

The authorities hesitated for a week before putting Miss Borden under arrest. But as there was evidence of family quarrels about money, and of the ill-feeling of the younger woman toward her stepmother; as it appeared that Miss Borden had predicted disaster to the family on the night before the tragedy, and had attempted to buy prussic acid on the day before; as she told flatly contradictory stories about her whereabouts at the time of the murder; and as it also came out that

she had burned a dress, which the police suggested was probably stained with blood, she was finally put upon her trial.

The rally to her defence was an extraordinary social manifestation. As a woman she received energetic support from leaders for Woman's Rights; as an active church member, she benefited by the almost passionate advocacy of members of her own and other sects; and as a person of hitherto good character, her cause was warmly defended by thousands of persons to whom the simple statement was sufficient that "she couldn't have done such a thing." The case of the Government was weak in the failure to produce the weapon, and to show that any bloodstains were seen on the person or clothing of the accused. She did not go upon the witness stand to explain the discrepancies in her accounts of the discovery of the murder, but this fact was disregarded by her friends. After a trial lasting thirteen days, the jury promptly acquitted her, and she returned to a life of some affluence. She inherited, as a result of the deaths of her father and stepmother, an estate supposed now to be worth about half a million dollars. This she shared equally with her elder sister—a lady who was in another town on the day of the murders.

That even after the lapse of thirty-three years there remains a considerable interest in the case was indicated when the newspapers, in February, 1926, recorded the death of Mrs. Churchill, the next-door neighbour who was the first person to come into the house after the discovery of the death of Mr. Borden. Mrs. Churchill went upstairs, a little later, where she found the dead body of Mrs. Borden. In the same month of Mrs. Churchill's death, there were recorded in the press one or two other incidents which concerned

persons who had appeared in the trial, and finally the newspapers of Fall River discovered that the Miss "Mary Smith Borden of Providence," who was recovering from a major operation in the local hospital, was none other than their celebrated townswoman, Miss Lizzie—or, as she is now called, Miss "Lizbeth" Borden —herself. To avoid unpleasant notoriety, she had been allowed to enter the hospital under a pseudonym, and her stay was nearly ended before the staff were aware of her identity. It would be incorrect to say that no privileges are accorded to her by her native city.

Fall River to-day is divided in its interest in the case, as once it was bitterly divided in its opinion about the guilt or innocence of the accused. The older citizens, who remember the excitement and rancorous dissensions of those weeks in August, and of the following June, during the trial—these will often talk gladly about the murders. Their eyes light with interest as they discuss the minutest points concerning the reliability or bias of this witness or that. Others, however, newcomers, or younger folk to whom the affair is "old stuff," are resentful of any reference to it, and contemptuous toward those who try "to rake up the Borden case again." Many are as heartily annoyed, in visiting other cities, to find that the name of Fall River only provokes questions about the ancient scandal, as are citizens of Salem when people know nothing at all about their historic city except that it was there that they "burned" the witches. This, of course, is only natural, and on the whole commendable.

A committee from the town of Rugeley, annoyed because their dwelling place had become notorious through the misdeeds of William Palmer, waited upon the then Prime Minister of England, with a request to be allowed to change its name. They were not amused when that nobleman suggested:

"Why not call it after me—Palmerston?"

For the same reason, Fall River had no intention of adopting the name of the city in New Jersey—Bordentown.

If there is a decided difference in opinion in Fall River whether the murders are still a subject of legitimate interest, there would appear—upon the surface, at all events—to be less dissension now than in June, 1893, upon the righteousness of the verdict of the trial jury. More than one observer has reported that the large and militant faction which, throughout that section of Massachusetts, railed at the Fall River police, and at the District Attorney of Bristol County, for their "unworthy suspicions," their "outrageous charges," and their methods of "grievous persecution"—that this party began to melt like ice in spring, as soon as the prisoner was set free, and that its members are hard to discover to-day.

The reasons for this are obscure, unless—as it was asserted at the time—these enthusiasts were guided more by emotion than by logic. I suspect that there is still another cause, and that it lies in the incident, in 1897, three years after the acquittal, when another charge, of a less serious nature, brought by a firm in Providence, was not met, but was settled out of court.

At all events, public opinion in Fall River to-day, and in most other places, makes the editorial rejoicings at the result of the trial—especially in such papers as the *World,* the *Tribune,* and the *Times* of New York—sound rather ludicrous. On the other hand, if I may quote myself:

> The Fall River *Globe,* which firmly supported the police and the case of the Government (and never ceased to do so) suggested that there were many in Fall River who would not agree with the jury—a very sound prediction, and one which has not been falsified in thirty years.

In my earlier essay upon this murder, there appeared at the end the question:

"Were there any grounds for the suspicions entertained against two men, and at least one other woman, all of whom testified at the trial?"

As it is usually undesirable to make allusions of this nature, and, moreover, as I do not believe that there were any just grounds for the suspicions, it can be no harm to say here what has often been said, in print and otherwise. The suspicions were entertained, of course, against Bridget Sullivan, the servant; against Doctor Bowen, the neighbour and family physician; and against the visitor at the Borden home, Mr. John Vinnicum Morse. These suspicions—still uttered in Fall River to-day, and rather carelessly—seem to me to be particularly absurd against Bridget and Mr. Morse. The latter, as may be remembered, proved a perfect alibi, and was so innocent of any knowledge of the affair that when he returned to the house, nearly an hour after the murders, he wandered blithely into the back garden and began to eat pears, quite ignorant of the ghastly slaughter which had taken place within.

Doctor Bowen was suspected, not of any part in the deed, but of concealing evidence ("the bloody hatchet") afterward. His whole character is against it; moreover, the resolute perpetrator of the murders —whoever it may have been—was no such careless artist as to leave around, for others to remove, any incriminating evidence whatever.

It may be recalled that the Court excluded, at the trial, the testimony of the prisoner given at the inquest, as also the testimony of three men who were offered to prove the attempted purchase, by the prisoner, of prussic acid the day before the murders. With these exclusions by the Court, two of the strongest reliances of the prosecution failed them. I have

found lawyers to defend and lawyers to attack both of these rulings, and with equal positiveness. The inquest testimony of the accused lady was printed in full in the *Evening Standard* of New Bedford for June 12, 1893, the day of the Court's ruling. It does not differ widely from the version quoted in Mr. Porter's book,* and also in mine.

In April, 1913, the Boston *Sunday Herald* printed and the Fall River *Daily Globe* (April 7th) quoted in full an article, signed Gertrude Stevenson, and entitled "Twenty Years After the Borden Murder." From it, I copy a few paragraphs:

Twenty years ago, Lizzie Borden, accused of the murder of her father and her stepmother, stood up in the courtroom at New Bedford and heard a jury of her peers pronounce the verdict of acquittal—heard them declare to all the world that she was "not guilty" of two of the most brutal and atrocious murders that ever shocked the country.

To-day that same Lizzie Borden lives a recluse, as damned by public opinion and as ostracized by former friends and enemies alike as if that same jury had pronounced the one word "Guilty."

Lizzie Borden still lives in Fall River, but as far as Fall River is concerned, Lizzie Borden is an outcast, an Ishmael, a social pariah. Her name is uttered with contempt, and even her friends and relatives who comforted her during the months of her imprisonment, and throughout the ordeal of her trial, have long ceased their visits. To-day her nearest neighbours pass her by without a nod or sign of recognition.

. . . . . .

So the years went, one after another of her friends dropping away from her, until to-day Lizzie Borden, looking for all the world like any other stout matronly woman you

* "The Fall River Tragedy," by Edwin H. Porter. 1893. Out of print.

might meet on the street, is without a doubt the most isolated free woman in New England.

She is to-day just what she was described as being when she faced trial for her life twenty years ago—a stolid, immobile, unemotional appearing woman—her large strong features expressing the same determination that characterized her when she faced her accusers on the charge of parricide. If this woman has ever had an emotional moment, it can honestly be said that she has invariably succeeded in concealing it from any other human eye.

She goes about to-day, just as she went her way, firm-mouthed, direct-eyed, and baffling of understanding, during the days following the discovery of the mutilated bodies of her father and her stepmother, during the inquest that resulted in her arrest, day after day during the preliminary trial, at the end of which Judge Blaisdell found her probably guilty—throughout the grand jury hearing when twenty out of twenty-one jurymen voted to indict her—all during the eight months of her confinement in Taunton jail while she awaited the sitting of the Superior Court, all during the long hours of her thirteen days' trial by jury which ended in her acquittal and release.

The writer of this article for a Sunday newspaper expressed herself rather more emphatically than I should have done. My information did not lead me to believe that the "ostracism" was so severe or so complete as this. What may have been true in 1913, may, of course, have changed at the end of more than ten years. It is not a fact, to-day, that all of her friends have left her; and while she is not often seen in public, she is by no means a complete recluse.

All personalities aside—in so far as it is possible to put them aside in this curious case—the murders at the Borden house remain, in my opinion, the most fascinating of all puzzles. Neither detectives, lawyers, nor criminologists can solve the questions which they present, for they lie deep in that mysterious region, the human heart.

XII

Number 31 Bond Street; or, *The Accomplishments of Mrs. Cunningham*

Bond Street, in New York, is one of the least engaging of streets. Huddled with trucks and drays, many of which make their headquarters here, it is strewn with rubbish and paper, and is dusty or muddy according to the weather. There are one or two garages reeking with gasoline and soiled with grease. A few dismal furriers and one or two frowsy shops for feathers and plumes add to the raggle-taggle effect. Here and there a building keeps in its upper stories some indication of the fact that this was once a quiet and fashionable street of dwelling houses.

A few years before the Civil War it had already lost some of its former distinction; boarding and lodging houses had crept in among the private residences. In the late winter and early spring of 1857, its inhabitants longed to flee away, and probably some of them did so. Crowds filled the street for days at a time; police were busy trying to drive back a dense mob who came to gaze at what had become the most unpleasantly famous house in America: Number 31 Bond Street. Not again for thirty years did New York furnish America and Europe with another mystery so

interesting, so minutely discussed, as the tragic death of Dr. Harvey Burdell.

This gentleman was a dentist; widely but not too favourably known in New York. The house was his property and his home. When his office boy, coming early in the morning of the last day of January, found the office liberally spattered with blood, and the Doctor, like Banquo, with twenty trenchèd gashes on his head—more or less—his heart pierced and his carotid artery severed, the boy very naturally began to scream and shout, and to call the other people in the house in order to break the news.

Doctor Burdell, who was about forty-six years old, had engaged in a number of lawsuits and other more informal quarrels with both men and women. He was supposed to be a bachelor; he was undoubtedly a man of property. He liked few persons and few cared for him. His voice, it was said, was deep and hoarse, like the croakings of a bullfrog. Never had he been known to keep any pets, except for certain guinea pigs—and the possession of these by a scientific man does not imply any unusual qualities of warm-heartedness. At one time, he had a more curious possession than the guinea pigs: a girl servant named Biddy, who spoke English, French, German, and Spanish, and slept sitting up on a stool in the kitchen, because her master was too penurious to furnish her with a bed. She died a year before the murder, and if it were not for the fact that anybody and anything were possible at 31 Bond Street, I should suspect her to have been invented by the author who describes her.* Many stories were current about Doctor Burdell's difficulties with this one

* I wonder who he may have been. Mr. Alfred Henry Lewis found Biddy in Charles Sutton's book on "The New York Tombs," and he, in turn, probably worked from an unknown writer in the New York *Herald*.

and that, but none of his enemies was supposed to be ready to carry animosity to the point represented by the condition of the Doctor's study on this morning.

The other persons in the house became of the utmost interest to the police and everyone else. It was to be inquired what they knew of a murder which left trails of blood upstairs and down, and could hardly have been carried on without shouts and screams, thuds and blows, thumpings and bangings, and all the turmoil of a wild, long-drawn-out, and desperate fight. There had been a storm outside, but public amazement was great when the other folk at 31 Bond Street—and there were ten of them—said they had heard nothing at all!

They were a strange group, the inmates of Doctor Burdell's house. Menageries used to exhibit what they ironically called a "Happy Family"—a cage in which dwelled together an armadillo, a serpent, a small pig, a duck, and a comatose monkey. There was almost as much variety, and fully as much happiness with them as in the family on Bond Street. First in importance and interest was Mrs. Emma Cunningham, "supposed to be a widow." More than one of these folk was "supposed" to be something or other in regard to marital condition, but it took long and painful investigation to discover whether this condition should be set down as single, wedded, or simple moral turpitude. Mrs. Cunningham was a rather attractive woman in the late thirties; there had certainly been a Mr. Cunningham; and there were four minor Cunninghams: two daughters, sixteen and eighteen, and two sons, nine and ten. Ostensibly, her position in the household was a tenant of the Doctor and keeper of a boarding house for the other residents.

The boarders were, first, a lawyer, the Hon. Daniel Ullman, recently defeated for the Governorship. He

seems to have been absolutely unconnected with the murder, or with any suspicions of being involved in it. Next, and by no means unsuspected, came a mysterious and heavily bearded person named John J. Eckel, a minor politician, who carried his fondness for canary birds to the verge of intemperance; he kept seventeen of them. Mixing the seeds for the canaries was a daily ceremony of some importance. A third boarder, a young man of nineteen—much derided for his taste for poetry—was unfortunately named George V. Snodgrass. There were, moreover, two maidservants. Not one of these had heard a sound while the burly dentist had unsuccessfully fought for his life the night before. A few of them, including Mrs. Cunningham, were calmly at breakfast, and Mr. Snodgrass was playing the banjo, when the office boy raised the cry of murder, and informed them that somebody had broken in and treated Doctor Burdell with the utmost brutality.

Mrs. Cunningham instantly emitted a wail of distress. She had not meant to announce it so soon, but now the truth must come out: the poor, dear Doctor was her husband, and she—harrow and alas!—was once more a widow! Police, neighbours, almost everyone was much astonished at the news. Why Doctor Burdell should have married Mrs. Cunningham—unless better to carry on his incessant quarrels with her—nobody could say. He had accused her of stealing his property and she had made unpleasant counter-charges against him. So far as the quarters in the house were arranged, Mr. Eckel seemed to come nearer to sharing the lady's bed and board than any one else, although at the time of the murder, at all events, Mrs. Cunningham's room was very completely occupied by herself and her two daughters. As proof of her marriage to the late Doctor—at whose ghastly form policemen,

physicians, reporters, and a coroner's jury were now gazing—the saddened widow brought forward a marriage certificate; the testimony of her daughter, Augusta, the only witness; while she called upon the clergyman, who had read the service, to say if she spake not the truth.

New York turned with eagerness to hear what would be said by the Rev. Dr. Uriah Marvine, of the Dutch Reformed Church on Bleecker Street. Doctor Marvine could identify positively only Miss Augusta Cunningham. She had come to his house the previous October, with an older woman who might be Mrs. Cunningham—the clergyman was not certain—and this older woman he had then and there married to a man who called himself Doctor Burdell. Looking upon the body of the murdered man, with a hectoring Coroner shouting in his ear, Doctor Marvine really refused to say whether the living bridegroom of October and the shockingly mangled dentist of February were one and the same, or not.

Here was a fine mystery, and New York came to the conclusion that there had been a fraudulent marriage, with Mr. Eckel, or someone, impersonating Doctor Burdell. There was testimony to the effect that Mrs. Cunningham had uttered grim predictions about the Doctor's short tenure of life on the very day of the murder. Moreover, she was said to be left-handed, and the wounds seemed to have been inflicted by a left-handed person. Mrs. Cunningham, with Messrs. Eckel and Snodgrass, was arrested and taken to the Tombs. There followed a long and rather ridiculous inquest, in which about a hundred witnesses were examined. It lasted for thirteen days, and occupied proportionately as much space in the newspapers as the most notorious case of our times. The names of the inhabitants of 31

Bond Street became, throughout the English-speaking world, familiar in the mouth as household words.

By Mrs. Cunningham's account, her courtship by Doctor Burdell was marked by many tender and romantic incidents. He had a judgment against his brother, William, and this he assigned to the lady of his heart. A short while afterward he asked her for a note for the amount of the judgment, at twelve months from date. She gave it to him, but in September he accused her of stealing it back again. She told him she knew nothing about it. At the same time, she chided him with not having fulfilled his promise to marry her and also accused him of bringing "females into the house for improper purposes." After this display of affection on both sides, they naturally decided to get married, which they did on October 28th.

Mary Donohue, serving maid at 31 Bond Street, was asked by the Coroner if she ever heard any threat uttered by Mrs. Cunningham against the Doctor. She answered doubtfully that she never heard any threat, although Mrs. Cunningham did say that it was time Doctor Burdell was out of the world, because he was not fit to live in it. Miss Augusta Cunningham, the servant added, seemed to endorse her mother's opinion; at least, she remarked that the Doctor was "a bad man."

It further appeared that the dentist had not been boarding at home for a number of months. He took his meals at the Metropolitan Hotel, and there, between five and six in the afternoon, he ate his dinner on the last day of his life. An amusing description of this dinner, or at least the scene of it, may be read in Alfred Henry Lewis's story of the murder. For the sake of greater picturesqueness, Mr. Lewis imagines the restaurant filled with nearly all the literary men of America —except for the Southern writers and some of the New

England group. Walt Whitman, Herman Melville, and a great number of lesser figures, such as Bayard Taylor, Stedman, N. P. Willis, and Fitz-James O'Brien, are all there at the same time.

Three police officers described the controversy between the affianced lovers over the note. They had been called in, to act perhaps as seconds, and see fair play. When Doctor Burdell accused his fiancée of stealing the note, she said that "she was his wife by every tie that could be," and to remove any doubts that might be troubling the officers, raised her hand and dealt him a violent blow. She added that he had deeply wronged her.

Doctor Burdell then told Officer Davis that while he —the Doctor—was asleep, Mrs. Cunningham had taken the key of his safe from his trousers pocket and stolen the note. Thereupon, Mrs. Cunningham, "in a tremendous rage," rushed in upon them, told them not to credit a word of the Doctor's, who had ruined her and her family. She added, further, that "she would have his heart's blood, or something to that effect." (The last phrase, "something to that effect," I take to be the words of Officer Davis, not of Mrs. Cunningham.) The policemen, with a nice sense of their duty, assured both persons that they could do nothing in the matter; it did not become them, as officers of the law, to assist anybody in procuring a dentist's heart's blood. In the meantime, and pending the satisfaction of her sanguinary aspirations, Mrs. Cunningham brought two suits in the Supreme Court against Doctor Burdell, one for breach of promise of marriage, and another for slander. The Doctor was arrested, but was released on giving bail for $6,000.

A colleague, named Doctor Roberts, testified that in October Burdell had informed him that between himself and Mrs. Cunningham there was now eternal

peace and amity. This was strengthened by a paper found in the dead man's office in which it was stated that, in consideration of the withdrawal of the suits, he agreed as follows:

1. I extend to herself and family my friendship through life.
2. I agree never to do or act in any manner to the disadvantage of Mrs. Emma A. Cunningham.

Six days after he was released from arrest, by the withdrawal of the suits, the alleged marriage service was performed. Yet a Mr. Blaisdell testified that on the day of the murder, Doctor Burdell had said he was not married, and would not even marry that celebrated lady with whom so many men have absolutely declined to wed: "the best woman living."

Reverend D. Cox put in his testimony to the effect that, on that same day, he heard the dentist declaiming against marriage, and denouncing women as "so artful." An old patient of the Doctor, one Cyrenious Stephens, heard from Burdell, not long before the murder, that he had been pursued in vain by Mrs. Cunningham, bent on marriage. But, he added:

"I would not have her to save all my money and my life."

Further to cast doubt upon the marriage, one Allen Smith testified that, in his belief, Doctor Burdell was in Saratoga on the day of the supposed wedding.

Murder seemed to brood about the house; Miss Mary Crane, an old friend, had been told by the Doctor a week before his death "that he had let his house to a lady and that she was the most horrible woman he ever met." He said he suspected "foul play"; he did not like the way "they" were "prowling about" at night, but, thank Heaven! he would get rid of them all on May 1st!

The two daughters and the two little sons of Mrs. Cunningham were all examined at the inquest. Each was questioned separately, and nothing was said by any one of them to connect any person in the house with the murder. The daughters had slept with their mother all night; they went to bed together between ten and eleven (the elder daughter was departing next day for school in Saratoga), they heard nothing unusual, and they all got up next morning at the customary time.

At last, there appeared a man named John Farrell, who seemed to have occupied a very advantageous position from which to report upon the murder. On the evening of the crime he had been sitting on the front steps of the house, repairing a broken shoelace. Two men came down the street. One of them walked by, but the other—who wore a shawl, as Doctor Burdell was accustomed to do—went into the house. Soon, there came from within the cry of "Murder!" followed by a sound as of somebody choking. Mr. Farrell went on with the repair of his shoelace, however, and then, apparently, he continued to sit, admire the view, and reflect upon the strangeness of human existence, of life and its many little problems. Finally, a bearded man, whom Farrell now said looked much like the prisoner Eckel, put his head out the door and told him to go away. The bearded man was in his shirt-sleeves, the accepted costume for middle-class murders involving rough work, in the 1850's. After this, there was some confusing and contradictory evidence about the purchase of a sword-cane by Mrs. Cunningham.

That lady's counsel, Mr. Clinton, protested vigorously at the proceedings of the inquest, but it was not unexpected when a verdict was found against all

three of the suspected persons. They were held for trial later in the spring.

In the meantime, the question of the alleged marriage in October was threshed out, by desire of Mr. Clinton. A fraudulent marriage, with Mr. Eckel, or any one else, impersonating Doctor Burdell, made the charge of murder seem much blacker. Proceedings were held in the Surrogate's Court, praying for letters of administration for Mrs. Cunningham-Burdell, as she called herself, as the lawful widow of Doctor Burdell. At this hearing, the Reverend Doctor Marvine appeared once more, and gave strong testimony that, upon careful consideration, further views of Mrs. Cunningham, and allowances for the appearance of the corpse of the murdered man, he was now assured in his own mind that her claim was truthful, and that he had indeed married them as she alleged. The clergyman was cross-examined in behalf of the Burdell heirs, by Samuel J. Tilden, but seems not to have been shaken.

Although the proceedings ended, and the Surrogate reserved his decision, it may be that this incident turned public opinion into channels somewhat less hostile to Mrs. Cunningham. Her trial for murder came on in May; the trial of Mr. Eckel, as accessory, awaiting its outcome. Mr. Snodgrass had been released from custody. Farrell was not called by the prosecution; apparently, he was merely one of the large number of persons who thirsted for glory, and longed to connect himself, in one way or another, with the celebrated case. Some of these strange beings made claim to the leading rôle of murderer, and attracted much attention, both before and after the Cunningham trial.

The District Attorney, A. Oakey Hall (false prophet in the Webster case, and afterward somewhat celebrated as Mayor), led forth, in his address to the jury,

a platoon of attractive female sinners, beginning with Messalina, and ending with the prisoner at the bar. If a flock of tanagers had flown into Court they could hardly have brightened the proceedings more than the gallery of naughty women, whose hands, like their souls, he assured them, were of the most flaming scarlet. Mr. Clinton then painted the widow in sadder colours; and the Judge, in his charge, gave the jury a very fair idea of the case. And this was that the circumstances were both suspicious and puzzling, but that the State had not proved its contention. The trial had indeed been very different from the inquest; a great amount of ridiculous testimony, like that of Farrell, had been sifted out. Mrs. Cunningham's quarrels with the Doctor remained in evidence, as did her threat to have his heart's blood. But it was shown that Doctor Burdell quarrelled with everybody and all the time; that he made violent and abusive statements about many persons, and often met them on friendly terms an hour later. Perhaps the jury believed the testimony, seemingly quite truthful, given by the prisoner's daughters, that they slept with their mother all night long, and heard nothing of the murder. At all events, the jury took only a few minutes to find Mrs. Cunningham "Not guilty."

It is instructive to note that, during the trial, when the sale of newspapers broke all records everywhere in America, the press of Philadelphia and Boston failed not to point out that the whole affair was but one more proof of the scandalous corruption of New York society. A newspaper in Richmond, Virginia, took a line which sounds more novel to us now: the Burdell murder could not have occurred, wrote this Virginian, except in a "free" society—that is, a community which did not enjoy the chastening influence of Negro slavery.

Back went Mrs. Cunningham to Bond Street, and

there—pending the Surrogate's decision—she might have remained, had she not determined to clinch her hold upon the Burdell estate. She had already informed the matron of the Tombs that there was going to be a little Cunningham-Burdell in her home. The birth was expected sometime in July or August, and her physician, Doctor Uhl, was so informed.

After one or two calls upon his patient, Doctor Uhl became convinced that the case had some decided peculiarities. He took counsel of his lawyer, and then reported the whole matter to the District Attorney, Mr. Hall. This official pointed out to him that a grave imposture was evidently in preparation, and that it was his duty to let the persons with guilty intent commit themselves fully.

Doctor Uhl visited Mrs. Cunningham, who now confidentially admitted that the approaching *accouchement* would be immeasurably enhanced by the presence of a real infant. She therefore offered him $1,000 for a baby and his services as impresario. The Doctor seemed to agree; he pointed out to his patient that there were in New York certain ladies known as "California widows"—their husbands being in pursuit of gold in that distant state. Occasionally these ladies became possessed of babies, and in these circumstances, one of them might be willing to part with the child for any reasonable offer—before her husband returned. This fortunate baby might become a Cunningham-Burdell, the heir to a fortune. Mrs. Cunningham agreed with enthusiasm to so benevolent a suggestion.

The physician actually made his arrangement with Bellevue Hospital, where there was a newly born daughter of a poor woman, who was prevailed upon to lend her baby for a short time, in the interests of justice. The double comedy was carried out with the most careful attention to detail. Doctor Uhl arranged

for a house in Elm Street, to which the "California widow" and her baby were supposed to come; Mrs. Cunningham inspected the house and approved it. She, in the meantime, arranged the scenery at her own home. Doctor Uhl asked her when it would be convenient for her to become a mother, and, after deliberation, she selected August 3d. On that day, she sent her messenger to Elm Street, who brought the baby home in a basket. After that, the birth took place, and as a little tribute to Doctor Burdell, the room selected for it was his bedroom, in which his body had been laid out for burial. A nurse and a doctor were present. They were not in Doctor Uhl's secret, but were in Mrs. Cunningham's employ.

When detectives entered, as they did after a while, and proceeded to arrest everybody, including the baby, Mrs. Cunningham was much distressed, saying:

"Don't touch my dear baby—this is the child of Harvey Burdell."

Unfortunately for her, the child was easy to identify; it had been fantastically decorated—like marked money in a plot to catch a thief. It was touched with lunar caustic—which would become visible next day—and a string was tied about its navel.

With great inhumanity, the police insisted upon making Mrs. Cunningham arise from her maternal couch. They led her back to the Tombs, for it seems that the production of a bogus baby, for purposes of inheritance, is disapproved by the statutes.

This adventure was too much for her lawyer, Mr. Clinton, who would have nothing more to do with her. He maintained to the day of his death his unshaken confidence in her innocence of the murder, and in the validity of the marriage to Doctor Burdell. The evidence for the marriage, however, did not convince the Surrogate: the last exploit had affected him un-

favourably. The spurious baby, by the way, for some time earned a very good salary—for one so young—from Mr. P. T. Barnum.

Mrs. Cunningham, by some technicality or omission, finally escaped all punishment and is said at last to have attained a fortune in grape culture in California. She seems to have returned to New York in the early 'Eighties, at all events, and was sometimes recognized on the streets by policemen, who did not share Mr. Clinton's faith in her innocence of the murder. Mr. Eckel did not profit by his months in prison, nor even by the refining influence of his seventeen canaries; he perpetrated an election fraud and died in jail in Albany.

The question of Mrs. Cunningham's guilt is certainly puzzling: I find it hard to believe she would have been so clumsy as to murder the Doctor, or connive at his murder, on the day she had threatened his life. Yet she showed stupidity when she played into the hands of the law, and attempted to bribe Doctor Uhl into the commission of a fraud.

If she were guilty, the rest of the household seem to have been well coached to tell a convincing story under cross-examination. Light chat about the pleasure everybody would take in assassinating Doctor Burdell seems to have formed part of the table-talk at Mrs. Cunningham's breakfasts and dinners. It was in evidence that Mr. Eckel rubbed his hands one morning, before attacking his buckwheat cakes, and remarked genially that he wouldn't mind helping to string the Doctor up. Mrs. Cunningham laughed her clear, silvery laugh at the suggestion. The dentist must have been an irritating person to provoke such a desire in one whose hands were daily employed in the gentle task of mixing quarts of bird seed.

THE END

APPENDIX

SOURCES

Murder at Smutty Nose

1. Report of the Trial and Conviction of Louis H. F. Wagner, for the Murder of Anethe M. Christensen [*sic*] at a Special Setting [*sic*] of the Supreme Judicial Court, held at Alfred, Me., June 16 [*sic*. The true dates were June 9th to 18th] 1873. William S. Noyes & Co. Saco, Maine. 1874.

   This is a fairly satisfactory report; the testimony much condensed. Arrangement is confusing, and important bits of information are dropped in at random. It is not rare, and may be found in many law libraries.

2. Maine Reports. The Supreme Judicial Court of the State of Maine. Volume 61.

3. Journal of the Executive Council. State of Maine. 1874, 1875.

4. Records of the Secretary of State. State of Maine. Volume 4.

5. A Memorable Murder. By Celia Thaxter. (In the *Atlantic Monthly,* May, 1875. Volume 35, pp. 602–15. Reprinted in "Stories by American Authors," Volume 3. Charles Scribner's Sons. New York. 1884. Also in "Library of American Fiction," Volume 3. The Success Company. New York. Copyright, 1904.)

   Mrs. Thaxter's essay represents one of the rare instances in which an American author of first-rate ability has told the story of an actual murder, related

it as fact and not as fiction, used the real names of persons and places, and published the work in anything less ephemeral than a daily newspaper.

Poe translated the murder of Mary Rogers from New York to Paris, and turned the victim into Marie Rogêt. Mr. Theodore Dreiser, in "An American Tragedy," tells the story of the murder of Grace Brown by Chester Gillette, and tells it with minute attention to detail and sometimes a verbatim transcription of the record, but he calls it fiction and changes the names. Gillette becomes Clyde Griffiths.

As Mrs. Thaxter's was such an unusual performance, and as this kind of essay has been so rare in America, it may have confused some readers. It has twice been published in collections of fictitious stories, as if it were impossible for it to be true. Probably it has been read by not a few who thought that the island of Smutty Nose was an imaginary place, and that Wagner, and the three women, Karen, Maren, and Anethe, were the creations of a novelist.

Laurence Hutton, in his "Talks in a Library," writes of Mrs. Thaxter's ability as a reader, saying: "I have seen her auditors literally moved to hysterics as she related the story of the 'Murder at Smutty Nose'—which I consider one of the strongest pieces of prose in the English language."

Mrs. Thaxter wrote in the spring of the year in which Wagner was executed. He was put to death during the month following the publication of her essay. As there had been made efforts for his reprieve, or for his further preservation alive, and as it was a part of his plan to spread the absurd idea that John or Maren Hontvet, or both of them, were responsible for the murder, it is not impossible that Mrs. Thaxter wrote partly to vindicate the reputations of persons whom she knew to be innocent.

6. Among the Isles of Shoals. By Celia Thaxter. Houghton Mifflin & Co. Boston. 1873.

7. Letters of Celia Thaxter. Edited by her friends, A. F. and R. L. Houghton Mifflin & Co. Boston. 1895.

8. The Isles of Shoals. An Historical Sketch. By John Scribner Jenness. Hurd & Houghton. New York. 1873.

9. The Isles of Shoals. By John W. Chadwick. (In *Harper's New Monthly Magazine.* October, 1874. Volume 49, pp. 663–76.)

10. Sketches from Concord and Appledore. By Frank Preston Stearns. G. P. Putnam's Sons. New York. 1895.

Mr. Stearns felt it necessary to disapprove of an author who wrote about a murder. In his comments upon Mrs. Thaxter he said: "She published a detailed account of a murder that was committed on Haley's Island about twenty years ago:—what would seem to be a peculiar subject for a cultivated person to fasten on—and yet she succeeded in giving it a good deal of dignity."

Apparently it did not occur to Mr. Stearns that Mrs. Thaxter was not alone. An English dramatist, rather a cultivated person, once fastened on the subject of the murder of a King of Scotland by one of his generals. His work is called "Macbeth," and he, too, succeeded in giving the peculiar subject a good deal of dignity.

11. Memoirs of an Editor: Fifty Years of American Journalism. By Edward P. Mitchell, formerly Editor-in-Chief of the *Sun* of New York. Charles Scribner's Sons. New York. 1924.

12. The Boston *Daily Advertiser.* 1873.

13. The Newburyport *Herald.* 1873.

14. The Portland *Daily Advertiser.* 1873.

15. The *Sun,* New York. 1875.

ACKNOWLEDGMENTS: My cordial thanks are due the

Maine State Library for making copies of records; and to the Librarian of the Portsmouth, N. H., Public Library for some information about the Hontvet family.

A Demnition Body

1. The Goss-Udderzook Tragedy. By John B. Lewis, M.D., and Charles C. Bombaugh, M.D. (In their "Stratagems and Conspiracies to Defraud Life Insurance Companies," pp. 192–340. Baltimore. James H. McClellan. 1896.)

2. The Goss-Udderzook Tragedy: Being a History of a Strange Case of Deception and Murder, including the Great Life Insurance Case, and the Trial of William E. Udderzook for the Murder of W. S. Goss. Baltimore. Baltimore *Gazette*, Printers. 1873.

3. The Udderzook Mystery! Containing a Detailed and Accurate Account of the Life of the Murderer, his Trial and Sentence, the Disappearance of W. S. Goss, and many strange Mysteries closely bearing upon this Great Case. . . . Philadelphia. Barclay & Co. Copyright, 1873.
   Cover title: "Life and Execution of Udderzook."

America's Classic Murder

1. Report of the Case of John W. Webster . . . indicted for the Murder of George Parkman . . . before the Supreme Judicial Court of Massachusetts. . . . By George Bemis, Esq., one of the Counsel in the Case. Boston. Charles C. Little and James Brown. 1850. 628 pp.

   This is a publication of a kind extremely rare in America. It is an unofficial report of a capital case, which is accurate, full, and convenient for the ordinary reader. Official reports (with a few exceptions, like those published by the Attorney General of Massachusetts) are often inaccessible, and almost always

inconvenient, being intended, usually, for the use of courts of appeal. Unofficial reports are usually incomplete and incorrect.

There were many other brief publications on the Webster-Parkman case. Among them are:

2. Trial of Professor John W. Webster . . . as reported for . . . the Boston *Daily Times*. Boston. Roberts and Garfield. 1850.

3. The Extraordinary Confession of Dr. John White Webster. . . . Boston. Hotchkiss and Co. 1850.

4. Report of the Trial of Prof. John W. Webster. . . . Phonographic Report by Dr. James W. Stone. Boston. Phillips, Sampson & Company. 1850.

5. Trial of Professor John W. Webster. . . . Reported . . . for the New York *Daily Globe*. New York. Stringer & Townsend. 1850.

6. A Review of the Webster Case. By a Member of the New York Bar [Abraham Oakey Hall]. New York. J. S. Redfield. 1850.

7. A Statement of Reasons showing the illegality of that Verdict upon which Sentence of Death has been pronounced against John W. Webster. . . . By a Member of the Legal Profession. New York. Stringer and Townsend. 1850.

8. The True Defense of Professor Webster, being reported as spoken by himself in his cell after conviction. New York. Dewitt & Davenport. 1850.

   An imaginary speech to the jury. The argument is based on the testimony of the witnesses who thought they saw Doctor Parkman on the street, at an hour when, as a matter of fact, he was dead.

9. The Murderer. A Discourse occasioned by the Trial and Execution of John W. Webster. By Edward N. Kirk. Boston. Tappan, Whittemore & Mason. 1850.

10. Biography of Professor John W. Webster. Boston. Hotchkiss & Co. 1850.
Cover title: "Extraordinary & Highly Interesting Biography of Prof. John W. Webster. . . . By a Member of his Class."

11. Professor Webster. By H. B. Irving. (In his "A Book of Remarkable Criminals," pp. 181–203. New York. George H. Doran Co. Copyright, 1918.)

Other books containing references to the Webster case include:

Memories of a Hostess . . . from the Diaries of Mrs. James T. Fields. By M. A. DeWolfe Howe.
The Life of Charles Dickens. By John Forster.
Autobiography of Seventy Years. By George F. Hoar.
Memories of Rufus Choate. By Joseph Neilson.
Harvard Reminiscences. By Andrew P. Peabody.

People versus *Molineux*

1. Court of Appeals, State of New York. The People of the State of New York against Roland B. Molineux. Case on appeal, from Court of General Sessions of the Peace, in and for the County of New York. 5 volumes. New York. Martin B. Brown Co. 1901.

2. Reports of Cases decided in the Court of Appeals of the State of New York . . . July 10 to . . . Dec. 10, 1901. Vol. 168. Pp. 264–354.

3. New York newspapers 1898–1917.

Three Footnotes to De Quincey

1. Trial of Thomas Neill Cream. Edited by W. Teignmouth Shore. (Notable British Trials.) London and Edinburgh. William Hodge & Company, Ltd. 1923.

2. The Illinois Senate Journal. 1891.

3. The Trial of Hawley Harvey Crippen. Edited by Fil-

son Young. (Notable English Trials.) Edinburgh and London. William Hodge & Company. 1920.

4. Days of My Years. By Sir Melville L. Macnaghten, C. B., Late Chief of the Criminal Investigation Department, Scotland Yard. London. Edward Arnold. 1914.

5. Survivors' Tales of Famous Crimes. Edited by Walter Wood. London. Cassell & Company. 1916.

6. Trial of George Joseph Smith. Edited by Eric R. Watson. (Notable British Trials.) Edinburgh and London. William Hodge & Co. 1922.

The Salem Conspiracy

1. American State Trials. . . . John W. Lawson, Editor. Volume 7. St. Louis. F. H. Thomas Law Book Co. 1917.

   Herein are contained (pp. 395–670) reports of the trials of John Francis Knapp, Joseph Jenkins Knapp, Jr., and George Crowninshield, with much other information.

2. The Murder of Captain Joseph White. Argument on the Trial of John Francis Knapp. By Daniel Webster. (In The Works of Daniel Webster. Volume 6. Boston. Charles C. Little and James Brown. 1851. Pp. 41–105.)

   This is preceded by an introduction, ten pages in length, describing the whole case. It was written by the Hon. Benjamin Merrill of Salem.

The pamphlet material is more amusing, and is perhaps more extensive than that published in the case of any other early Nineteenth Century American murder. Some of its items are these:

3. A Report of the Evidence and Points of Law arising in the Trial of John Francis Knapp for the Murder of Joseph White. . . . Salem. Published by W. & S. B. Ives. 1830.

Cover title: Trial for the Murder of Mr. White, Salem edition.

4. Trial of John Francis Knapp as Principal in the Second Degree for the Murder of Capt. Joseph White. . . . Reported for the Publishers. Boston. Dutton and Wentworth. 1830.

5. The Trial and Conviction of John Francis Knapp for the Murder of Joseph White, Esq., of Salem . . . Boston. Charles Ellms. 1830.
Cover title: Knapp's Second Trial, Conviction and Sentence.

6. A Biographical Sketch of the Celebrated Salem Murderer, who for ten years past has been the Terror of Essex County, Mass. . . . By a Citizen of Danvers. Boston. Printed for the Author. 1830.

This is one of the most entertaining of all the pamphlets. It has pictures, "Cavern in Wenham Woods," etc. The name Crowninshield is never mentioned; the hero is called "Richard" or "Dick" throughout. In the Essex Institute, Salem, is a pamphlet called "The Life of the Celebrated Salem Murderer . . . Crowninshield" dated 1845, which is probably a later edition of the same work, after the author had come to the conclusion that he might mention names without fear.

7. Trials of Capt. Joseph J. Knapp, Jr., and George Crowninshield, Esq., for the Murder of Capt. Joseph White. . . . Boston. Charles Ellms. 1830.

This is elaborately and quaintly illustrated. One of the pictures may have been drawn for this occasion. This one is the view of Crowninshield advancing on the terrified Captain, which is reproduced in this book. The others show the three prisoners at the bar; Captain Knapp at a tea party at Captain White's on the night before the murder; the "celebrated horse Nipcat," Captain Knapp's favourite steed; the ship Phœnix *in which Captain Knapp made his last voy-*

age; and the grave of Frank Knapp—evidently after a cut by Bewick.

8. The Trial in the Case of the Commonwealth *versus* John Francis Knapp, for the Murder of Joseph White. . . . No publisher given. n.p. n.d.

The Sixth Capsule

1. Court of Appeals, State of New York. The People of the State of New York against Carlyle W. Harris. Case on Appeal from Court of General Sessions of the Peace in and for the City and County of New York. New York. 1892.

2. Reports of Cases decided in the Court of Appeals of the State of New York. . . . By H. E. Sickels. Vol. 136. Albany. James B. Lyon. 1893.

3. The Trial of Carlyle W. Harris for poisoning his Wife, Helen Potts, at New York. . . . New York. 1892.

4. The Cross-Examination of Dr.—— in the Carlyle W. Harris Case. By Francis L. Wellman. (In his: "The Art of Cross-Examination," pp. 277–88. New York. The Macmillan Company. 1903–23.)

5. Gentlemen of the Jury; Reminiscences of Thirty Years at the Bar. By Francis L. Wellman. New York. The Macmillan Company. 1924.

6. Newspapers of New York City. 1891–93.

The Tiverton Tragedy

1. A Report of the Examination of Rev. Ephraim K. Avery, charged with the Murder of Sarah Maria Cornell. By L[uke] Drury, n.p. 1833.

2. Trial of Rev. Mr. Avery. A Full Report of the Trial of Ephraim K. Avery, charged with the murder of Sarah M. Cornell, before the Supreme Court of

Rhode Island, at a Special Term in Newport, held in May, 1833. . . . Reported by Benjamin F. Hallett. Boston. Published at the Offices of the *Daily Commercial Gazette,* and the Boston *Daily Advocate.* May, 1833.

Includes: "Avery's Trial. Supplementary Edition. Reported by B. F. Hallett." (The trial ended June 2d.)

3. A Report of the Trial of the Rev. Ephraim K. Avery, before the Supreme Judicial Court of Rhode Island, on an Indictment for the Murder of Sarah Maria Cornell. . . . By Richard Hildreth, Attorney at Law. Boston. Russell, Odiorne & Co. David H. Ela. 1833.

4. Narrative of the Apprehension in Rindge, N. H., of the Rev. E. K. Avery, charged with the murder of Sarah M. Cornell, together with the proceedings of the inhabitants of Fall River. By Harvey Harnden. Second edition. Providence. W. Marshall & Co., 1833.

5. A Vindication of the Result of the Trial of Rev. Ephraim K. Avery; to which is prefixed his statement of facts relative to the circumstances by which he became involved in the prosecution. Boston. Russell, Odiorne & Co. David H. Ela. 1834.
Preface signed: T. Merritt; J. A. Merrill; W. Fisk.

6. The Trial of Rev. Ephraim K. Avery. . . . (In "Celebrated Murders as Shown in Remarkable Capital Trials." By a Member of the Massachusetts Bar. Pp. 199–218. Chicago. Belfords, Clarke & Co. 1879.)

Two Victorian Ladies

MISS MADELEINE SMITH

1. Trial of Madeleine Smith. Edited by A. Duncan Smith. (Notable Scottish Trials.) Glasgow and Edinburgh. William Hodge & Company. 1905.

2. A Complete Report of the Trial of Miss Madeline

[*sic*] Smith. . . . By John Morison. Edinburgh. William P. Nimmo. 1857.

3. *Notes and Queries,* Oct. 14, 1911.

4. Trial of Madeline [*sic*] Smith. By G. Lathom Browne and C. G. Stewart. (In their: "Reports of Trials for Murder by Poisoning." Pp. 295–364. London. Stevens and Sons. 1883.)

"The House in Queen Anne Square," by W. D. Lyell, is a novel with a far-away resemblance to the case.

MISS CONSTANCE KENT

1. The Great Crime of 1860: Being a Summary of the Facts Relating to the Murder Committed at Road. . . . By J. W. Stapleton, Surgeon. London. E. Marlborough & Co. 1861. 379 pp.

Mr. Stapleton was an acquaintance and business associate of Mr. Kent. He was at the house as soon as the body was found, and made an examination. His part of the work is very long-winded, but he includes reports of the inquests. He wrote chiefly to vindicate Mr. Kent—an honest effort—and, of course, long before Constance's confession. He hints, with great caution, at the probability of her guilt.

2. The Road Mystery. By J. B. Atlay. (In his "Famous Trials of the Century." Pp. 113–35. London. Grant Richards. 1899.)

3. The *Times*. London. 1860, 1865.

Hell Benders

1. The Benders in Kansas. By John T. James, Attorney for the defence in the trial of the "Bender Women" at Oswego, Labette County, in 1889–90. The Complete Story: Facts Not Fiction. Wichita, Kansas. The Kan-Okla Publishing Company. Copyright, 1913.

2. The Hideous Murders Committed by the Bender Family in Kansas. By Thomas S. Duke, Captain of

Police, San Francisco. (In his "Celebrated Cases of America," pp. 348–53. San Francisco. The James H. Barry Company. 1910.)

3. The Bender Family. By Col. Frank Triplett. (In his "History, Romance and Philosophy of Great American Crimes and Criminals. . . ." Pp. 557–81. New York and St. Louis. N. D. Thompson & Company. 1884.)

4. The Five Fiends; or The Bender Hotel Horror in Kansas. This family of fiends have for a number of years been systematically murdering travellers who stopped at their hotel or store, by a most singulur [*sic*] method, which has never been discovered until the killing of Doctor York, the brother of Senator York, of Kansas. This book contains full and startling details of their lives and awful crimes. It is certain that they have murdered over one hundred people! Chicago. Published by Charles J. Heck. n.d. [1874?]
Cover title: The Bender Hotel Horror in the Western Prairies, or, The Five Fiends.

This pamphlet is an amusing curiosity, but useless as a source of information. There are a few pages about the Benders; after that, nothing but fiction, identifying the Benders with a probably imaginary "Liefen" family in Texas. Kate Bender is endowed with perpetual youth, and provided with two beautiful sisters who exactly resemble her—as some of the Uncle Tom's Cabin theatrical companies used to have two Topsies. The pamphlet also contains (pp. 71–96) "Lizzie Lee's Daughter, or A Rich Father's Remorse."

Number 31 Bond Street

1. Reports of Decisions in Criminal Cases made at Term in Chambers and in the Courts of Oyer and Terminer of the State of New York. By Amasa J. Parker, LL.D. Albany. William Gould & Son. 1877. Vol. 6. Pp. 398–629.

2. Cunningham-Burdell Murder Case. By Henry Lauren Clinton. (In his "Celebrated Trials," pp. 1–279. New York and London. Harper & Brothers. 1897.)

   A more accurate title for this article would be: "Mr. Clinton's part in the Cunningham Case."

3. The Bond Street Mystery. By Alfred Henry Lewis. (In his "Nation-Famous New York Murders." Pp. 89–120. New York. G. W. Dillingham Company. Copyright, 1914.)

MYSTERY AND CRIME

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A Dolphin Mystery

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MURDER AT SMUTTY NOSE and other Murders

EDMUND PEARSON

Here are fourteen of the most extraordinary murders ever committed in America—murders that are fascinating because they challenged the precise legal minds of our most eminent criminologists and because very often the criminal was tracked down by circumstantial evidence rather than by witnesses or confessions. Edmund Pearson, a distinguished true-crime reporter, corresponded with persons who had direct knowledge of the place, people, or events; visited where possible the scene of the crime; and carefully looked through the pertinent documents, legal records, and newspapers in order to present the complete historical account.

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